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Deputy Recorder JOEL D. ANTENORCRUZ

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ORIGINAL

### **GUAM LAND USE COMMISSION REGULAR MEETING MINUTES**



Department of Land Management Conference Room ITC Building, Tamuning



Thursday, October 27, 2016 1:42 p.m. to 3:41 p.m.

### GUAM LAND USE COMMISSION Regular Meeting Thursday, October 27, 2016

## Department of Land Management Conference Room 3<sup>rd</sup> Floor ITC Building, Tamuning

### **MEMBERS PRESENT:**

Mr. John Arroyo, Chairman

Mr. Victor Cruz, Vice Chairman

Ms. Conchita Bathan, Commissioner

Mr. Tae Oh, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

### PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Mr. Penmer Gulac, Case Planner

Ms. Celine Cruz, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

# GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION Attendance Sheet

Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Time of Meeting:  GLUC: 1-42P GSPC: 3-451	X GLUC X GSPC X Regular X Regular Special Special Quorum Quorum Non-Quorum Non-Quorum
COMMISSION MEMBERS	SIGNATURE
John Z. Arroyo, Chairman	
Conchita D. Bathan, Commissioner	id lovels
Victor F. Cruz, Vice Chairman	
Tae S. Oh, Commissioner	
Vacant, Commissioner	
Vacant, Commissioner	
Michael J.B. Borja, Executive Secretary	MSoj'_
Kristan K. Finney, Legal Counsel	kiloty & Z.
Marvin Q. Aguilar, Chief Planner	telm
Frank Taitano, Planner IV	1 Pages
Penmer Gulac, Planner IV	Mun
Celine Cruz, Planner IV	
M. Cristina Gutierrez, WPS II	Mcgilleny
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**ADJOURNMENT:** 

GLUC: 3:41 P GSPC: 50 pm

## GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

### **Public Attendance Record**

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X GLUC	X Regular Date: Thursday, October	27, 2016
GSPC	Special Time: 1:42 pm	
Quorum	No Quorum Adjournment: 3:41 pm	
PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
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GLUC Form 21 - GLUC Public Attendance	Record Form - APRIL 2010	

## GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Speaker's Sign-In Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date:

Thursday, October 27, 2016

Regular

X

**GLUC** 

X

GSPC	Special Time: 1:42	m
Quorum	No Quorum Adjournment:	3:41 pm
	N THE TRANSCRIPTION OF THE GLUC/GSPC M ME AND WHO YOU REPRESENT, I.E., ITEM ON	
PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Gracio Santos Craudine Camaulo	Chin I. Haung /GLYC GTA 6SPC	7773462-
PHIL GULABERE PROP YEMON	CALAND (GLUC)  CALANDVIEW	680-1779
GLUC Form 20 - GLUC Speaker Log Rec	ord Form - APRIL 2010	

## GUAM LAND USE COMMISSION REGULAR MEETING MINUTES Department of Land Management Conference Room, 3<sup>rd</sup> Floor, ITC Bldg., Tamuning Thursday, October 27, 2016 • 1:42 p.m. to 3:41 p.m.

### I. Notation of Attendance

Chairman Arroyo called the regular meeting of Guam Land Use Commission for Thursday, October 27, 2016 to order at 1:42 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Executive Secretary Michael Borja, Legal Counsel Kristan Finney, Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac and Recording Secretary Cristina Gutierrez.

<u>Chairman Arroyo</u> before we get going I would like to recognize and welcome some visitors from the island of Palau; the Koror Planning Commission and the Building Zoning Office, welcome to our meeting. They have been here since Monday, and I believe have been meeting with the Planning Division of Land Management and touring the island and trying to get an idea of how we manage our zoning and land use laws on. Welcome and thank you for being here; we hope that you enjoy the rest of your trip.

If you have any questions at all, please feel free and we will be happy to entertain those questions during this session.

### II. Approval of Minutes

<u>Chairman Arroyo</u> so, the first item on the Land Use Commission agenda is the Minutes. I believe everyone has had an opportunity to review the Minutes, if I could have a motion.

<u>Commissioner Bathan</u> Mr. Chair, I would like to make a motion to approve the GLUC regular meeting Minutes of October 13, 2016 subject to any minor edits that will be submitted within today to Cris.

<u>Chairman Arroyo</u> okay, so we have a motion by Commissioner Bathan, can I have a second.

Vice Chairman Cruz I second.

<u>Chairman Arroyo</u> second by the Vice Chair. Any discussion on that? Cris, just one last thing. I think on Page 20 you had something highlighted and you didn't know whether it was "isn't or is." I think it's "is" so if you could make that change. [Correction noted - Page 20, "is."]

On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Bathan and Oh], all opposed say "nay." Motion passes; 4 ayes, 0 nay.

<u>Chairman Arroyo</u> the rest of the items on the agenda, the order. Are we okay with the order on the agenda, does anybody want to make any changes to the order? [None noted]

### III. Old or Unfinished Business [None]

### IV. New Business

### **Tentative Development Plan**

A. The Applicant, Chin I. Huang represented by Ignacio F. Santos; request for a Tentative Development Plan to construct a three-story, eight multi-family dwelling units with an office and display area, on Lot 5142-1-4NEW-R3, in the Municipality of Tamuning, under Application No. 2016-02. Case Planner; Penmer Gulac

<u>Penmer Gulac (Case Planner)</u> reads staff report to include purpose/facts, application chronological facts, staff analysis, discussion, recommendation, and conditions. [For full content/context, please refer to Attachment A.]

[Attachment A - Staff Report dated October 18, 2016]

**Chairman Arroyo** any questions of the staff?

<u>Commissioner Bathan</u> I just have one question. You noted here that there were previous Commission actions on this property. Were the applications under the same owner on the previous applications?

Penmer Gulac yes.

<u>Chairman Arroyo</u> any other questions? [None noted from the Commissioners] Do we have anything from the MPC Chief?

<u>Michael Boria (Executive Secretary)</u> I received a phone call from the Tamuning Mayor, and she said it was going to be on the agenda for their November meeting; but they had not voted on this yet.

Chairman Arroyo but did she indicate if there was any issue regarding it or?

<u>Michael Boria</u> no, she did not. She just said that they had not done a Resolution or discussed it and they will on the next meeting. Although, she had noted that ... she had been told when the meeting was supposed to be.

<u>Penmer Gulac</u> Mr. Chairman, I had communications with the Mayor (this morning) and also sent an email request if there is any letter or support from the MPC. When I had spoken with her, she said they were continuing to review the application. But, it appears they have no

objections to it; they will meet and discuss the application further, and I told her that this meeting would be today. She is aware of the tentative development and was it given to her a couple of months ago, the packet.

<u>Chairman Arroyo</u> any other questions for the staff? [None] Okay, so I'll open the floor to the representative, and if you could just mention your name.

Ignacio Santos representing the applicant Chin Huang. I believe the previous action, GLUC action was to build an 11-story that was under the three brothers. Actually, the building to the right of that lot is one of the brothers and the other building to the left is the other brother. So, this is the only one left to put up his building. I have no objection to the recommendation except for one recommendation by Public Works to build a retaining wall. That cliff does not require any retaining wall. As you can see on all the buildings lines up along none of them have a retaining wall.

<u>Chairman Arroyo</u> why is Public Works requiring retaining wall?

Ignacio Santos if they did they would have required it on all the other buildings.

<u>Chairman Arroyo</u> why are they doing it in this particular case?

<u>Ignacio Santos</u> it's the same cutting as completely down the road.

<u>Chairman Arroyo</u> do we know why they would make that requirement?

Marvin Aguilar (Chief Planner) I think it would be based on their engineering calculations, but I mean this is a separate lot. I don't think these are the facts that it wasn't built on other properties is ample justification to say not; perhaps we can get clarification and at the least look at it from a design perspective. And if that is a requirement from the Building Permit side, it will be a requirement for the permit.

Ignacio Santos I think it's all part of the permitting process and I have no objection to that.

Chairman Arroyo I don't want to second-guess Public Works, I'm not an Engineer.

**Ignacio Santos** I know it was brought up at the ARC and I mentioned to them that the soils actually in itself if you look at all the buildings down there none of them required a retaining wall.

Chairman Arroyo if you can speak with them and ----

Ignacio Santos yeah I could. I'll go ahead and if they say okay then will be it.

<u>Commissioner Oh</u> do you think it might be because of the design?

Ignacio Santos actually the building is set away from the wall.

<u>Commissioner Oh</u> we needed some clarifications. I think Vice Chair had some comments regarding the different elevations.

<u>Chairman Arroyo</u> lke, are you finished? Do you have more to add?

Ignacio Santos the building is about 31-feet at the closest point to the cliff, to that wall there.

**Chairman Arroyo** any questions?

<u>Vice Chairman Cruz</u> yeah. To me as far as the issue of DPW, I think that once...whatever the result of this.....and they do get their permit it is basically now between the owner and DPW for them to iron out the issue of the retaining wall. And their engineers that they hire should certify. Like John said we can't second-guess and everything with that one. Another issue Mr. Ike is on your presentation; if you go inside it's after the property map utilities and site plan yeah. Notice on the site plan you have a parking to the rear of the building. You only have a 13-foot driveway there. How are you going to control your traffic?

Ignacio Santos one-way, in one-way out.

<u>Vice Chairman Cruz</u> a guy driving in and a driver coming out what do they do flip the coin who goes first?

Ignacio Santos no; I think like all the other buildings they have shared parking, I mean shared entrance and exit.

Vice Chairman Cruz but on this one doesn't show.

Ignacio Santos to the left it shows the grading of the ....

Vice Chairman Cruz so, you're telling me that the slope there is going to be part of their ....

Marvin Aguilar if I'm not mistaken I think this slope also supports the ...it's a driveway that goes up the slope; they didn't cut it down, and if that's a shared use in the proposed project I don't know. If I'm not mistaken for the building that's shown here there's some structure of a higher elevation at the rear of the building and they're using the slope to get up there. So, it could be the same program or it could be just outside of the ----

<u>Vice Chairman Cruz</u> but if you look at it if that's the case if you look at the same drawing and you see there on the top where the slope comes up it's fenced all the way to the back. One question first. When this property was first acquired was it just one lot?

Ignacio Santos yes.

Vice Chairman Cruz and then the brothers decided to subdivide it?

Ignacio Santos actually no. I think it was three lots and they consolidated to build that eleven and then it was reverted back to its original lots.

<u>Vice Chairman Cruz</u> that's my concern is the 13-foot. And the other concern I got is on the, where the slope is----

Ignacio Santos the parking in the back is actually just for the tenants of the eight units.

<u>Vice Chairman Cruz</u> I understand. But then you know it's not just made for them it's basically made for general public, you know. If you look at that building, you know, and there's that fence and if that fence wasn't there I would agree with the drawing as it is.

<u>Chairman Arroyo</u> if you were going to use that entrance where the slope is, it's straddling the property line and so there would have to be some kind of shared agreement if the tenants of this building were going to use that as an egress/ingress for the ....

<u>Vice Chairman Cruz</u> I know there are other buildings there I see that that there is some shared....

<u>Chairman Arroyo</u> is that the Takagi Building there....that is their access to the rear parking behind the building. That slope gets them to the rear parking.

<u>Vice Chairman Cruz</u> the one with the car rental is that .... whatever it is so the next lot over is vacant; so which are the lots that the three brothers own?

<u>Ignacio Santos</u> the one to the right, the building to the right of the green (unable decipher due to excess noise).

<u>Vice Chairman Cruz</u> I see where Takagi is. So, you're saying the three brothers own it to include where Takagi is?

Ignacio Santos there was three lots there. The two buildings on the side and the lot in the middle.

<u>Vice Chairman Cruz</u> that's my question Mr. Ike. It looks like the building is encroaching onto the property line. Don't tell me that they are going to share entrance and then I have no question to the 13-foot. That's the concern I've got.

<u>Chairman Arroyo</u> but even at that, I mean if we're looking at the driveway, the 13-foot driveway, was there any plan maybe to put a mirror so that you could see if a car is coming in.

Ignacio Santos we went through the ARC and no one had raised any issue to it. If there was issue with the government agencies, I think we would have done something before coming here.

<u>Chairman Arroyo</u> we want to make sure that it's safe to go in and out of there and that there's not going to be any accidents or kids running around playing, riding their bicycle or whatever. (Mr. Santos comments, "I agree.") So, cars coming in will know what's beyond the curb. The island in front of the (the island right there); so if you are heading towards the Hilton, to the east, and they're trying to get to the property where would they make their U-turn. Would they make their U-turn right there of will they go all the way down to ....

Ignacio Santos there's that place plus also the other side of the island.

<u>Chairman Arroyo</u> the next traffic signal would be the turn into YPao right; so, they would have to go around there.

Ignacio Santos no, you can turn around right there.

Michael Borja you cannot make U-turns there, you cannot. It's a two-lane road, and I don't think you're allowed to make U-turns but people do. But, it's not wide enough for a U-turn.

[Discussion ensues how to access the property heading towards the Hilton Hotel and where U-turns are possible.]

Chairman Arroyo any other questions.

Commissioner Oh yeah, I have ---

<u>Vice Chairman Cruz</u> because I'm putting it this way is that if we approve this as it is and they go to DPW they're going to tell DPW that Guam Land Use Commission approved the 13-feet ingress and egress. So, my concern is (Mr. Santos interjects) ---

Ignacio Santos like I said that DPW when they reviewed this they didn't have any issue with this. If you require like something like 22-feet we can take 9-feet off the building if that's what it takes.

<u>Vice Chairman Cruz</u> that's why the Chairman here is offering you another alternate rather than moving or cutting the building. Because you know, I mean down there if the cost of property is high you try to maximize the use of the lot. We tried that with one of the previous thing and we

asked them to cut and they said if we cut the economics doesn't come into being. So, you know, I mean.

<u>Commissioner Oh</u> well, you know, the best solution, I think (this is just my opinion) is have one entrance have the entrance come in from the side and make this a one-way.

<u>Vice Chairman Cruz</u> yeah but they don't ... the owner ... unless we put that subject to them getting an agreement. When do you get the agreement? Before you build it or after you build it?

Commissioner Oh with their neighbor.

Ignacio Santos before you build it.

Vice Chairman Cruz so you think your client can get an agreement?

**Ignacio Santos** if it's part of the condition yes. He has to comply if not it's back to the drawing board again either reduce the building or ..... the fence there is basically for security.

<u>Chairman Arroyo</u> a part of it is sitting on their property. It might behoove them to agree to that. Otherwise, you can fence off his entranceway there.

Commissioner Oh hold on. This fence that you guys are proposing on this side ---

<u>Vice Chairman Cruz</u> that's not a proposed I think it's an existing.

Ignacio Santos no, it's not an existing.

Vice Chairman Cruz so why fence it.

<u>Ignacio Santos</u> I believe the guy who did the drawing is thinking that as part of security for the tenants' parking from the backside of the ...and that's what it's for. All the first floor parking is all on the front.

Chairman Arroyo any other questions.

<u>Commissioner Oh</u> yeah, I had a question. Based on this site plan over here and based on the topography that is shown on the picture of here. As you see on the left side that it slopes. On the right side it is level with the ground. So, what do you guys plan to do with ... are you guys planning on sloping it so that it's the same grade as the street or are you guys planning on (unable to decipher due to background conversation.).

Vice Chairman Cruz what he's talking about is this part.

Ignacio Santos yeah, I see it.

<u>Vice Chairman Cruz</u> so he's trying to say that this is the boundary line that goes up here; there's no way you're that you're going to get a shared entrance and egress when this is high and this is lower. That's my question.

<u>Commissioner Oh</u> I mean, you're proposing another driveway on this side and parking over here. The elevations don't match.

Ignacio Santos I understand.

<u>Commissioner Oh</u> and I think, personally, that's probably the reason why DPW wanted a retaining a wall because any changes to cliff line, any changes to grading in the rear, they want to make sure it is stabilized.

Ignacio Santos alright. I guess we'll have to cut the slope. It's 10-feet on that side.

Vice Chairman Cruz you've got 6 more foot (sic) from there.

Ignacio Santos it's actually 10-feet.

<u>Vice Chairman Cruz</u> 10-feet to the property line. The only way you can get two-ways on this is to move your building all the way to your property on the left.

Ignacio Santos probably that or cut another foot off and we're good on both sides. We need 12-feet one way; there's 13 on one side and there's 10 on the left. So, all you need is one foot off.

<u>Vice Chairman Cruz</u> so what you're trying to tell me is your gonna make this one way in, one way out. You're going to go in from the right and exit from the left (Mr. Santos responds "yeah."). So, that means you're going to cut all the way to this part.

Ignacio Santos we have to cut some of the slope. The slope is far inside the property line.

<u>Vice Chairman Cruz</u> I do understand Ike. But, what I'm trying to tell you is your elevation shows that is the same elevation from the front and rear are the same elevation. So, how you going to do a complete circle around.

Ignacio Santos I understand that. Cut into the left side as well, it's part of the property.

<u>Vice Chairman Cruz</u> in that case then to me, I would like to see it in drawing first. Because once we approve the tentative subdivision .... there's nothing ... DPW cannot ... you can tell DPW what you like and they'll take it because they need our approval first before them.

Ignacio Santos I don't understand why we went through the ARC process without having any issues.

Vice Chairman Cruz I don't know, I don't second-guess people.

Ignacio Santos if 13-feet was satisfactory to them they would have mentioned it.

Commissioner Oh but if you take a look at the elevation (Mr. Santos interjects).

<u>Ignacio Santos</u> yes, I already understand that. I understand. Part of the lot is inside that slope so...

Chairman Arroyo any other questions.

Commissioner Bathan I didn't see where the trash bin is going to be.

**Ignacio Santos** it's going to be in the rear of the property.

Commissioner Bathan so, how will the truck have access to the rear.

<u>Ignacio Santos</u> I'm going to go ahead and have this tabled; and I'll try to fix your access in and out and then show it to Public Works and see if they have any issues with it and then bring it back and see if it's satisfactory to getting in and out on both sides.

Vice Chairman Cruz you understand lke the reason why I'm asking is ----

Ignacio Santos I understand, I understand.

<u>Chairman Arroyo</u> maybe before we do that lke, if there's nothing else. I just want to do the public comment period. There may be other concerns that you want to take back to your developer.

At this time I'll open the floor for public comments. If there is anybody in the audience who would like to say anything about this application please come forward.

<u>Public Comments</u> [Seeing none, Chairman Arroyo closed the public comment period]

<u>Chairman Arroyo</u> so, you want to pull this back; we'll continue the hearing of this application until you come back to us with some additional information.

<u>Commissioner Bathan</u> actually, I have one more question that I wanted clarification. Because we require that two-percent (2%) of the project will be dedicated for landscaping. I would like to know their landscaping plan.

[It was the order of Chairman Arroyo that Application No. 2016-02 be continued pending submittal of additional information and a landscaping plan]

Chairman Arroyo the next item on the agenda ---

### **Tentative Subdivision**

B. The Applicant, Richland Development LLC represented by Jae S. Ji; request for a tentative subdivision for the proposed development of ten single family house lots, on Lot R4, Tract 93021, in an "R1" (Single Family Dwelling) zone, in the Municipality of Yigo, under Application No. 2015-38. Case Planner: Frank Taitano

Chairman Arroyo for the record, we received a larger version of the subdivision map.

<u>Frank Taitano</u> reads staff report to include purpose, facts, public hearing results, staff analysis/discussion, recommendation and conditions. [For full content/context, please refer to Attachment B]

[Attachment B – Staff Report dated October 17, 2016]

**Chairman Arroyo** any questions for staff?

[Chief Planner points out the location of the project site displayed on the monitor]

<u>Chairman Arroyo</u> okay, so we'll go ahead open up the floor. If you could just state your name please for the record.

Jae Ji good afternoon Commissioners. I am representing Richland Development LLC to develop this property into single-family house residential lots, and we plan on building the houses as well. Also for the record, we were not the ones that applied for the commercial zone change because it sounds like a bad idea for this area. So, we would like to keep the area more residential; so, we decided to do the ten units in lieu of smaller lots so we can squeeze in, I think we could have done fourteen, but I recommended that we go with the ten with a little bit larger lots. Since the previous subdivision of the lots somehow they ... I guess Highway did not want more turning lanes off Gayinero Road they had a right-of-way showing off the less used road the Chalan Tun Luis Takano Street. We are going to continue that road in and create a cul-desac and stay away from the busier road where Gayinero Road is. That's pretty much about it. If there are any questions, I'll be happy to answer it from the Commissioners.

Chairman Arroyo questions.

Vice Chairman Cruz where's your ponding basin going to be at.

<u>Jae Ji</u> Lot 12 on the map that you have. That's actually currently the low point on the property. And there is a culvert that goes across Gayinero Road right now into the larger Marianas Terrace ponding basin that is on the other side. But, we've designed the ponding basin to adequately hold the storm water for our property and also calculated enough for the overall adjacent properties too since that is how EPA would like it to be designed.

Chairman Arroyo but it will still flow in to across the street.

Jae Ji yes, absolutely.

<u>Chairman Arroyo</u> are you looking at setting this up as a development with where you have CC&Rs or .....

Jae Ji there will be because of the playground.

<u>Chairman Arroyo</u> how is that going to be maintained, how is the ponding basin going to be maintained. I think he wanted to put in streetlights and how that all was going to be paid for. So, you will have a homeowners association.

Jae Ji yes.

Commissioner Oh will this whole community kinda enclosed?

Jae Ji no, can't gate it.

Commissioner Oh not gated, but will it be fenced all throughout.

Jae Ji yes, we are proposing a perimeter fence around the property.

Vice Chairman Cruz (undecipherable) along Gayinero Road?

Jae Ji along Gayinero Road yes.

Commissioner Oh Lot 16 would not have access to the main road; off of Gayinero Road

<u>Jae Ji</u> no, that was another condition by Highway that we access the road from off of Gayinero Road and have not more additional driveways going to Gayinero. We are going up a slope and everyone seems to speed up that road. All the driveways will be through the cul-de-sac road. But, if the homeowner would like to access it through that way I guess he has an opportunity to do so if they wanted to.

<u>Chairman Arroyo</u> you would have something in your rules that you wouldn't allow them to cut the fence and ----

Jae Ji yes.

<u>Michael Borja</u> I have a question. On your new map Lot 1 there is a concrete house there right now that's not part of your subdivision. On your overhead it looks like his access is cutting through your lot and down to this opening. Are they aware that there is a potential development that they have to use their real driveway?

Jae Ji yes, they shortcut and they are aware of it.

<u>Vice Chairman Cruz</u> so you're going to fence all around you said right to include going into Lot 1?

<u>Jae Ji</u> yes. They are aware that we are applying for this....I spoke to the landlord about a year ago, a year and half ago, actually a little longer. They actually like the idea that the property is going to be used because there is an abandoned house in the middle of the property right now. About two years ago there was a couple of squatters there. So, for security reasons I think they like it. And it's always good to be a good neighbor and let them know what is going on as well as keep an eye on the project.

<u>Chairman Arroyo</u> I thought I read somewhere in your write-up that the park was going to be open to the public?

Jae Ji yeah, I mean, it's not a gated community. It's just a recreational area.

[Discussion ensues on use of the recreational area by the neighborhood]

<u>Vice Chairman Cruz</u> so your sewer is going to run through that Tun Luis? It's going to go in that way?

<u>Jae Ji</u> Chalan Tun Luis Takano, yes; the sewer, water and power would be connected to Chalan Tun Takano.

<u>Vice Chairman Cruz</u> the client you are representing do they have any ties with the owners of Lot 1, 2, 3, 4?

Jae Ji no, I don't think so.

<u>Vice Chairman Cruz</u> so I'm asking you now when you do your fence you're going to fence right along starting from Lot 5?

<u>Jae Ji</u> Lots 2, 3 and 4 already have perimeter fences around them from the current developer. Actually, the houses are relatively new within the last five years, and they have fences around them already.

<u>Vice Chairman Cruz</u> so, what about the access going into your ... where the road is that fenced....

Jae Ji that's not fenced in. That's already a right-of-way and it's a public easement already.

Vice Chairman Cruz no, no, I mean for Lot 4 and Lot 3 do they have fence along them.

Jae Ji yes, they do. They are already gated.

Commissioner Bathan so, they are not using this right-of-way.

Jae Ji no, they are not. Their driveways are from Chalan Tun Luis Takano Street, currently.

<u>Commissioner Oh</u> are they all developed, all three.

<u>Jae Ji</u> yes, those three houses...they look all similar maybe the same developer built them and currently occupied.

Chairman Arroyo is the fence cyclone, the perimeter fence cyclone or is it going to be ----

<u>Jae Ji</u> it's CMU and metal gate. I think a cyclone fence or chain link would be kind of ugly and we are trying to stay within the kind of look of the three houses that were built in the front and same fence type of design. We are trying to make it look nice.

Chairman Arroyo that's a major panhandles there.

Jae Ji yes.

<u>Chairman Arroyo</u> the entranceway into the ponding basin is that going to be asphalted or is it going to be dirt.

<u>Jae Ji</u> it's going to be a swell, it's going to be a swell so that the water collecting in the cul-desac will flow correctly into the ponding basin.

Chairman Arroyo you going to fence off the ponding basin so kids can't get in there and stuff.

Jae Ji yes.

**Chairman Arroyo** any other questions?

Vice Chairman Cruz the tree on Lot 11 how big is that tree. What kind of tree is it?

Jae Ji I don't remember. I know there is a tree there.

Chairman Arroyo is it going to stay or are you guys going to ....

<u>Jae Ji</u> we'll save as much of the landscaping as possible if it's not right in the middle of the lot. If it's right in the middle of the lot maybe we can transplant it.

[Brief discussion ensues on the type of tree located on Lot 11.]

<u>Chairman Arroyo</u> any other questions? [None noted] I am going to open the floor to public comment. If anybody would like to say anything about this application, please step forward.

Public Comments [Seeing none, Chairman Arroyo closed public comment period]

Chairman Arroyo is there anything you'd like to add before we make a decision?

Jae Ji no, that's pretty much it.

Chairman Arroyo any other questions? [None noted from the Commissioners]

Alright, I'm ready to entertain a motion on this application if anybody is ready to put one forward.

<u>Commissioner Bathan</u> Mr. Chair, I would like to make a motion to approve the request for a tentative subdivision for the proposed development of ten single-family house lots on Lot R4, Tract 93021 in an "R1" zone, in the municipality of Yigo, under Application No. 2015-38 subject to ARC conditions and requirements as stipulated on their official position statements.

<u>Chairman Arroyo</u> Commissioner Bathan made a motion to approve the application; do I have a second?

Commissioner Oh I'll second.

<u>Chairman Arroyo</u> second by Commissioner Oh. Any discussion? [None noted from Commissioners]

So, on the motion all in favor say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Bathan and Oh], all opposed say "nay." Motion passes.

[Motion to approve Application No. 2015-38 was passed unanimously; 4 ayes, 0 nay]

Chairman Arroyo good luck. Alright, let's move on. The next item is -

### V. <u>Administrative & Miscellaneous Matters</u>

### Order to Show Cause/Status Report

C. The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013 and its Six-Month Status Report, under Application No. 2008-003B. [Continuation of GLUC Hearing – 4/14/2016] Case Planner: Frank Taitano

<u>Marvin Aguilar</u> reads Commission Brief/History. Mr. Aguilar proceeds to display photos of current work at the project site. [For full content/context, please see attached report]

[Attachment C – Commission Brief dated October 17, 2016]

<u>Chairman Arroyo</u> any questions? [None] Okay, I'll open the floor to you guys. Please state your name please for the record.

<u>Richard Sana</u> to my right is Phil Schrage and Fred Yamon representing Grandview Mall. Pursuant to the Notice of Action dated January 19, 2016, we provide the following updates for the Land Use Commission's review for the ongoing construction of Tumon Bay Mall.

The updates are one of two conditions stipulated on the above-mentioned NOA of January 19, 2016. The other was for the applicant, Grandview Development LLC to secure a performance bond for the infrastructure equal to the amount of 110% of the total cost of infrastructure improvement; but, in lieu of that I think we provided a Letter of Credit. And attached was submitted early was your updates and you received that and also to move this along we also provided today the construction schedule. And this construction schedule actually shows when the contract was executed by the contractor when the projects actually started and when it's anticipated to be completed.

The completed work update is the curb/gutter depicted on the red line of the drawings we provided you. Also curb and gutter depicted in blue line, retaining walls depicted in blue line, walkway and lower entrance, the electrical hand-holes, the 6-inch and 4-inch electric conduit in concrete encasement and also the conduits for the electrical light posts installed. The continued work, the ongoing of wiring and electrical light pole, grading to grade on parking area, the installation of roof drain, the installation of forms and rebars for curbs and gutters, headwall and riprap installation pending availability of the 36-inch HDPE pipe. With the construction schedule that we provided we also gave you a more updated plans that are also depicted in colors. And it will show you that ... because the ones that I submitted earlier on was provided to me in September.

I think those are the two outstanding conditions from the last meeting that we had here.

Chairman Arroyo great, good. Anything else? Any comments.

Commissioner Bathan how many sub-contractors are working on your project?

Richard Sana one major contractor that's BME & Sons.

<u>Commissioner Bathan</u> I saw on the updated schedule that you'll be completed by December. I know BME & Sons are using H-2 works and I'm not sure about the status of their workers by December. Did your schedule consider those factors?

Fred Yamon yes. The expected completion of the project is before the end of the year granting that the highway encroachment permit will be issued soon. The contractor submitted that on August 11, but there is some difficulty of the issuance relative to the location of the water meter. DPW and GWA cannot agree on the location. That is the only thing that is holding us up at this time is that highway encroachment permit. Last week we met with them. What was agreed on was to have the meter to be installed within the property boundary because of the DPW's proposed widening of the road at some future time. GWA gave condition that we would provide them an easement and accessibility to the meters at all times. But, up to this time we have not received or the contractor have not received highway encroachment permit.

<u>Vice Chairman Cruz</u> but have you worked with them to give them your, Guam Waterwork (sic) the required easement?

<u>Fred Yamon</u> we gave them the floor plan yesterday and as soon as they approved that then DPW will issue the permit.

<u>Chairman Arroyo</u> how close are you guys finding an anchor tenant? Is it getting any easier, not getting any easier.

Phil Schrage no.

<u>Commissioner Oh</u> it seems like, I mean based on the scope, it seems like most of the work is exterior, civil.

Phil Schrage pretty much all.

Commissioner Oh is the structure itself pretty much completed?

Phil Schrage yes.

<u>Commissioner Oh</u> all the structural elements are completed. Interior I'm pretty sure you guys haven't started on that. I'm assuming you guys are planning to start that following some type of commitment from certain tenants right?

Phil Schrage right. It wouldn't make sense to design, for example, I mean we are designing the second level because regardless of how much an anchor takes on the first level we know pretty much what the second level is going to contain. It's going to contain a food court and some inline stores. So, we can go ahead with the design element for the second floor even not knowing exactly how the first floor is going to end up whether it's going to be one anchor store or two or three mini anchor stores.

Commissioner Oh so future work would be completely within the structure itself.

<u>Phil Schrage</u> we haven't ... the back of the building we haven't done anything other than grading. The very back parking area would still be part of future phase. Everything from the street, if you're driving down San Vitores and you look at the building, you wouldn't know if it was opened or closed and that was pretty much part of the objective is to make it more leasable in terms of perspective tenants. Instead of looking an artist rendering looks at an actual buildings with fully paved and landscaping; getting the landscaping quotations now, and ready to go. At least from the outside, except for the back portion the back parking lot, will be completed.

<u>Commissioner Oh</u> so, most of these parking stalls here will be completed except you're saying the rear parking here. You guys have ... I'm pretty sure everyone is kind of waiting for this new mall to open up. Do you guys have any idea as to when you guys expect to open or does it completely depend, dependent upon some type of commitment from an anchor tenant?

Phil Schrage you wouldn't want to have a white elephant on your hands; meaning opening up a facility without any kind of anchor tenant. There are companies that have sent people to Guam and there are companies that have yet to send people to Guam to look at the market, potential for the center. They have their research people and they come out and they determine; okay, if I open "X" 60,000 square foot store on the first level what kind of sales can I achieve. There is one group that I am talking to and they have taken that step, so that is encouraging. Tumon is really a different market for us. There is a lot of business to be made after 9:00 in Tumon which evidence of like T-Gallery, Plaza, Kmart is open 24-hours; so, obviously there is being business being done after 9:00. Of course with the food court we are offering something that doesn't exist in Tumon now that will serve the residents of Tumon in addition to the tourists.

**Chairman Arroyo** any other questions?

<u>Commissioner Oh</u> just a quick question. I think this was brought up previously. The TDP did mention some type of high-rise structure on top of this. Did we bring this up before?

<u>Chairman Arroyo</u> yes, I think they mentioned that they were going to revise that or at least...because it did not look like it's economically feasible yet for you to put up the high rise. I think we looked at and approved a revised TDP the last time you were here that eliminated all that stuff.

Commissioner Bathan are you confident that you will complete the project by end of this year?

<u>Phil Schrage</u> Phase I. The back portion is not done. Phase I is all the civil work, all the exterior work so it looks like it's finish, but obviously the interior we're designing now second floor interior because no matter what the anchor size ends up being on the first floor we know what the second floor is going house; line tenants and food court. We are in the initial stages of designing the second level now.

<u>Commissioner Bathan</u> the reason why I'm asking is we have standby Letter of Credit that is expiring January 31, 2017.

Phil Schrage that is for the civil work not for the entire structure.

Commissioner Bathan so, when you finish December 30 or end of the year, then we can...we don't have to extend the standby LC further than January 31, 2017.

<u>Chairman Arroyo</u> this is just the bonding for the civil work. Okay, so there is no action needed, this is just the status report. Thank you for coming in we appreciate it.

Richard Sana we should be coming in at the next six-months it is still a condition. If you look at the end of the construction schedule there is going to be a final inspection of the punch list and all of that. So, we will probably be coming in and let you guys know that it's complete; Phase I.

Phil Schrage then we have to bid out Phase II.

Vice Chairman maybe once they're completed just submit a completion report for the Phase I.

<u>Chairman Arroyo</u> we don't want to have you keep coming back after six months. I think we do have that five-year period that the project has to be completed. That is the deadline of the TDP. We talked about that last time and I think you guys were pretty confident that you were going to be able to meet that deadline.

Frank Taitano Mr. Chairman, we need a motion to accept the six-month status report.

Chairman Arroyo so, we do need a motion to accept the six-month status report.

<u>Commissioner Oh</u> I make a motion to accept the six-month status report for the applicant Grandview Development, LLC.

Chairman Arroyo alright, moved by Commissioner Oh, do I have a second?

Vice Chairman Cruz I second.

<u>Chairman Arroyo</u> second by the Vice Chair, any discussion? [None] All in favor of the motion say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Oh and Bathan], all opposed say "nay." Motion carries.

[Commission accepts the applicant's six-month status report; 4 ayes, 0 nay]

Chairman Arroyo let's take a ten-minute break.

[Commission recessed at 2:55 p.m. and reconvened at 3:15 p.m.]

Chairman Arroyo we are back in session. The next item on the agenda ---

### **Extension of Time/Tentative Subdivision**

D. The Applicants, Deepak and Kiran Sadhwani represented by FC Benavente, Planners; request for an Extension of Time for an approved Tentative Subdivision for the proposed development of an industrial park for warehousing and other permitted M-1 uses, on Lot 5315, in the municipality of Dededo, in an "M-1" (Light Industrial) zone, under Application No. 2015-26B. Case Planner: Marvin Aguilar

<u>Marvin Aguilar</u> reads staff report to include facts, staff analysis and recommendation. [For full content/context, please see attached report]

[Attachment D - Staff Report dated October 21, 2016]

<u>Chairman Arroyo</u> any questions of the staff? [None noted]

<u>Richard Sana</u> (representing Mr. Deepak and Kiran Sadhwani) as mentioned by the Chief Planner, we are here requesting an extension of the GLUC approval of Application No. 2015-26B referred to as the Pacific Industrial Park which is a 51-lot industrial subdivision ranging from 1/2 acre lots to 1.5 acres.

We have been working with ... and I know that part of the approval of this was the submission of the CC&R which we have been working...to be approved by the Chief Planner which we have submitted and I think ..... I don't know if it's settled yet on the final CC&Rs. We are still working on some of the language in there. But, as you can see in the attachment on the bottom, the Notice of Action date is supposed to September 25, 2015 not 2016.

As you can see on the attachment on the building permit application the process actually began when the Land Management signed off on the, on the building permit application and that was on January 13, 2016. We just received the blessing by GWA on September 7, 2016 and GPA was cleared it right at the on September. It took that long and we weren't able to begin the grading of the subdivision. So, we were trying to schedule ... we've been trying, to put on the

schedule of the GLUC so we can submit our, our request for extension and we did that and we did that. Tried to get on earlier but the letter here reflected October 3 because that's when we finally got the date to be on the agenda.

And I don't know what to tell you. I have advised the applicant when the tentative subdivision approval was ....when you approved the tentative subdivision that I think the best way to do it was to get a performance bond so you don't have to worry about coming back and asking for an extension that we can go ahead and work the ..... work on the plans to submit the final subdivision, maps and the final subdivision map with all the infrastructure in place. But, he said he was going to try and do it, you know, out of pocket instead of doing that so we are here no because he didn't take my advice.

### Chairman Arroyo any questions?

<u>Commissioner Bathan</u> I just have one question. What was the problem that you guys, that took long for the owner to deliberate with GWA?

Richard Sana it was a back and forth negotiation with the engineer in charge. You know that GWA charges a system development charge for every lot, but they were also trying to have the developer also improve the size of the water lines outside of their property. And I think it didn't go too well with the owners. So, they had this back and forth negotiation. And finally they came to some kind of terms, and GWA finally gave them their blessing in September 7 just of this year.

### Michael Borja what was it?

Richard Sana they have to ..... there was also .... You know if you look at the last page here there's also the .... Highway encroachment permit that they also had to get. That's the same issue with the project with the Grandview. Anything that goes into the right-of-way you have to get a highway encroachment permit, but then you have GPA not agreeing on where those .... facilities should be placed.

Marvin Aquilar if I may Commissioners, you know there's a copy of the building permit and proof that negotiation was ... on the issuance of this building permit. And for the record, I would like to point out that this building permit is an industrial park utility installation work; roads, curb, sewer, pipeline, power and underground lines. And just for clarification the minimum requirement for a tentative .... or rather to get a final subdivision approval is to have these utilities installed and operational. A lot of times there is a confusion as to whether you're including this type of work plus construction of actual buildings and that is the option of the developer. But minimum is the utilities infrastructure which is expressed in this building permit.

**Chairman Arroyo** any other questions?

<u>Vice Chairman Cruz</u> so Richard, you're trying to tell us that they're doing the work now? [Mr. Sana responds "yes."] And are you .... the scope of work that's being done is that getting the site ready to build or not?

<u>Richard Sana</u> yeah, well you know, the lots are actually going to be sold individually. And the tentative subdivision actually calls for infrastructure to be in place to be installed including roads, curbs, whatever storm drainage system, electrical, water, sewer; all of that has to be in place before the .... you guys issue your approval and blessing on the final subdivision.

<u>Marvin Aguilar</u> likewise Commissioners, I would like to be ... while this utilities are being installed, we like to send our staff to actually see them be putting it in the ground before any type of paving so that we can report that information up to the Commission.

Richard Sana and what they're working on right now is there ... actually very concerned about the, the surveyor who did the tentative subdivision map Mr. Castro. He lost his wife a little bit over a year ago, and Mr. Castro I believe has not been doing well and he is the surveyor and I have been trying to get asking people how is he because he would be the guy that would be doing the final subdivision map. And the final subdivision map has to ... all the infrastructure improvement has to be super imposed on that subdivision map to be submitted to you. It has to show on the plans the stub outs for each individual lots.

<u>Vice Chairman Cruz</u> I remember when you were going through this the first time. You have drawings subdivided proposed and everything. And my concern back then was your water runoff and the conditions if I'm not mistaken you said was that, you know, because you're going to pave this and ready for pavement and ready to build. And once the guy buys it and everything then that means it's ready to go. What I was concerned about the running off into the other lots is that being taken care of in this project?

<u>Richard Sana</u> we had that discussion and I think also in the drawings that you have reviewed there was a lot that was dedicated for a ponding basin where it would contain all the runoff within the property into that ponding basin.

<u>Vice Chairman Cruz</u> I understand that because ... if you own the property you gotta find a way to contain your water and everything. And depending on what type of business you're operating and I'm concerned that somebody might come up and start doing detailing or something and water-blast now the lot next to it is what I'm concerned and the idea was to put wherever you said you're going to fence it you're going to control that water from going ... so you are putting like a 12-inches or 24-inch high wall to prevent the water from going to the other side?

Richard Sana you're talking about outside of the property. The plan was to fence the .....

<u>Vice Chairman Cruz</u> is it being done my question.

Richard Sana not yet. I mean they just got their building permit. We couldn't do anything without the building permit.

Vice Chairman Cruz I understand, but is it part of the plan.

Richard Sana it is part of the plan and it is part of the plan that was approved here.

<u>Chairman Arroyo</u> and what point will you be doing that? Are you going to be work on that along with the infrastructure; the streetlights, the utilities, are you going to be working on the perimeter wall at the same time.

Richard Sana yeah, I think that that those were the statements made at the meetings we were here. There was going to be lightings there was going to be all these storm water containment systems and a fence around it. That was what the CC&Rs are supposed to cover all those details. The whole design was to make it different from what we see as an industrial park like Harmon. It's going to be a nice place when you come in and secure. They will have security cameras along ... it's like the whole industrial park.

<u>Chairman Arroyo</u> if there is nothing else, I'm just going to open up the floor for public comment. If anyone has anything to say about this request please come forward.

Public Comments [Seeing none, Chairman Arroyo closed the public comment period]

Chairman Arroyo Richard, do you have anything else you want to add before we take action.

Richard Sana just want the Commission to know that, you know, that these ....some challenges that we are seeing today with you know trying to get these permits cleared by GWA especially. And I know they have concerned with water capacity and sewer capacity and all those things. Those things can be issued as a conditional approval.

Chairman Arroyo if there aren't any questions ----

Marvin Aguilar I think there is one question that was not asked. Rather the the applicant does have a bonafide building permit; how long ... did he rely to you how long it may take to complete the infrastructural.

Richard Sana I told him I said you need to complete this before the year expires if you approve the extension.

<u>Chairman Arroyo</u> Commissioner Bathan brought up earlier the concern many contractors are having with the H2 laborers. Are you going to be running into that problem with your contractor?

Richard Sana I can't tell you anything about that.

Commissioner Bathan I don't think they'll be affected that much because this is civil work.

[Brief discussion on H2 labor issue]

Chairman Arroyo if you are ready, I am ready to entertain a motion on the extension request.

<u>Commissioner Bathan</u> I'll make a motion Mr. Chair to approve the request to extend the tentative subdivision for one (1) year from the date of the Notice of Action which is September 25, 2015; that will be September 24, 2017.

Chairman Arroyo alright, motion to approve the extension up to October 25, 2017 ---

Commissioner Bathan September 24, 2017.

<u>Chairman Arroyo</u> September 24, 2017 – second? [Vice Chairman Cruz seconds] Seconded by the Vice Chair. Any discussion? [None noted]

On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Bathan and Oh], all opposed say "nay." Motion is approved.

[Motion passed unanimously; 4 ayes, 0 nay]

Chairman Arroyo are there any other items that we need to discuss before we adjourn?

[Brief discussion on the next meeting for the GLUC hearing. It was noted that the next meeting will be tentatively scheduled for Tuesday, November 30<sup>th</sup> due to the Thanksgiving holiday on the 24<sup>th</sup> of November]

<u>Chairman Arroyo</u> Kristan, do you have anything more to add on the case? I think you gave us an update the last time.

Kristan Finney there hasn't been anything happening yet.

### VI. Adjournment

Commissioner Bathan motion to adjourn.

Vice Chairman Cruz second.

<u>Chairman Arroyo</u> all in favor of the motion for adjournment say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Bathan and Oh].

[Motion to adjourn passed unanimously; 4 aye, 0 nay]

The regular meeting of the Guam Land Use Commission for Thursday, October 27, 2016 was adjourned at 3:41 p.m.

Approved by:	Transcribed by:	
John Z. Arroyo, Chairman	Magueria Cution Con Ton	
Guam Land Use Commission	M. Cristina Gutierrez, <i>Pro Tem</i> DLM, Planning Division	

JUN 29, 2016

Date approved: \_

### **GUAM LAND USE COMMISSION**



Chairman John Z. Arroyo Vice Chairman Victor F. Cruz Commissioner Conchita D. Bathan

Commissioner Tae S. Oh

Michael J.B. Borja, Executive Secretary Kristan Finney, Assistant Attorney General

### **AGENDA**

### **Regular Meeting**

Thursday, October 27, 2016 at 1:30 p.m.

Department of Land Management Conference Room
590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning
[As advertised in the Guam Daily Post on October 20<sup>th</sup> AND October 25<sup>th</sup>, 2016]

I. Notation of Attendance

[ ] Quorum

[ ] No Quorum

- II. Approval of Minutes
  - GLUC Regular Meeting of Thursday, October 13, 2016
- III. Old or Unfinished Business [None]
- IV. New Business

### **Tentative Development Plan**

A. The Applicant, Chin I. Huang represented by Ignacio F. Santos, request for a Tentative Development Plan to construct a three-storey, eight multi-family dwelling units, with an office and display area, on Lot 5142-1-4NEW-R3, in the Municipality of Tamuning, in an "H" (Hotel/Resort) zone, under Application No. 2016-02.

Case Planner: Penmer Gulac

### **Tentative Subdivision**

B. The Applicant, Richland Development LLC represented by Jae S. Ji; request for Tentative Subdivision for the proposed development of ten single family house lots, on Lot R4, Tract 93021, in an "R1" (Single Family Dwelling) zone, in the Municipality of Yigo, under Application No. 2015-38.

Case Planner: Frank Taitano

#### V. Administrative and Miscellaneous Matters

### Order to Show Cause/Status Report

C. The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013 and its six-month status report, under Application No. 2008-003B. [Continuation of GLUC Hearing – 4/14/2016]

Case Planner: Frank Taitano

### **Extension of Time**

D. The Applicants, Deepak and Kiran Sadhawani represented by FC Benavente, Planners; request for Extension of Time for an approved Tentative Subdivision for the proposed development of an industrial park for warehousing and other permitted M-1 uses, on Lot 5315, in the Municipality of Dededo, in an "M-1" (Light Industrial) zone, under Application No. 2015-26.
Case Planner: Marvin Aquilar

### VI. Adjournment

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagātňa, GU 96932

Website: http://land.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)





#### ATTACHMENT A

### DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIË BAZA, CALVO Governor

RAY TENORIO Lieutenant Governor

October 18, 2016

**MEMORANDUM** 

To:

Chairman, Guam Land Use Commission

From:

**Guam Chief Planner** 

Subject:

Staff Report - Application No. 2016-02; GLUC Meeting of October 27, 2016

### PURPOSE:

- a. Application Summary: The applicant, Chin I. Huang represented by Mr. Ignacio Santos, is requesting approval of a Tentative Development Plan in an "H" (Hotel-Resort) zone in order to construct a 3-storey structure (mix use) with an office and display spaces on the first floor, Four (4) multi-family units on the second floor and Four (4) multi-family units on the third floor (Total of Eight (8) dwelling units) on Lot 5142-1-4NEW-R3, in the Municipality of Tamuning (Tumon).
- **b.** Legal Authority: Title 21, GCA, Chapter 60, Title 11, GCA, Division 3. Title 18 GAR, Chapter 3, Article 3, Section 3312.

### 2. FACTS:

- a. Location: The subject lot is located along Pale San Vitores Road in Tumon nearly directly across from the Pacific Islands Club Hotel Resort and abuts the cliff line at the rear. Adjacent to the subject lot on both sides are 3-storey office/retail buildings of similar design to the proposed development. Access into the subject lot is directly off of Pale San Vitores Road.
- **b.** Lot Area: 0.49+/- Acres or 1,998+/- Square meters; or 21,506 Square Feet
- c. Present Zoning: "H" (Resort-Hotel) Zone via Public Law 14-41, as amended by Public Laws 14-72 and 14-82; Chapter 61, Zoning Law, 21 GCA, Article 3 Use Regulations; and Territorial Planning Commission (TPC) Interim "H" (Resort-Hotel) Rules and Regulations, Procedures for Development within an "H" Zone.

Continuation of Memorandum

RE: Staff Report - Application No. 2016-02 - Tentative Development

Lot 5142-1-4NEW-R3, Municipality of Tamuning

October 19, 2016

Page 2 of 3

- d. Field Description: The proposed site is overgrown with vegetation and fairly flat grade and has residual low-level growth of shrubbery from past land clearing of the property.
- e. Master Plan: Hotel
- f. Community Design Plan: Hotel-Resort
- g. Previous Commission Action: GLUC Application No. 98-015: Tentative Development Plan and Zone Variance for Height, Setback and Density for proposed 11-storey hotel; Application postponed August 27, 1998, and withdrawn on May 4, 2001. GLUC application 2007-054 Tentative Development Plan for a 3-storey commercial building for retail offices on the first floor and residential uses on the second and third floor (Approved by GLUC on October 25, 2007), no permits were received for a proposed development within 1-year of recording date of November 9, 2007, and no record of extensions submitted to the GLUC, therefore, the approval has completely expired.

#### 3. APPLICATION CHRONOLOGICAL FACTS:

a. Date Application Accepted: May 23, 2016

b. Date Heard By ARC: June 16, 2016

c. Public Hearing Results: N/A

4. STAFF ANALYSIS: As requested by the applicant on their application of the subject lot, requesting approval of a Tentative Development Plan in an "H" (Hotel-Resort) zone in order to construct a 3-storey structure (mix use) with an office and display spaces on the first floor, Four (4) multi-family units on the second floor and Four (4) multi-family units on the third floor (Total of Eight (8) dwelling units). The proposed use and development is permitted and compatible within the "H" zone and meets the height, density and other requirements associated with the proposed development within the subject lot.

Continuation of Memorandum

RE: Staff Report - Application No. 2016-02 - Tentative Development

Lot 5142-1-4NEW-R3, Municipality of Tamuning

October 19, 2016

Page 2 of 3

- 5. RECOMMENDATION: Based on the submitted application and supporting information, the applicants' continuing efforts to work with the various government entities, and the responses from members of the ARC, we recommend <a href="APPROVAL">APPROVAL</a> upon the condition that the applicant take into account and adhere to the ARC conditions and requirements as stipulated on their official Position Statements, specifically adherence to the following conditions:
  - A. That prior to issuance of an Occupancy Permit, the applicant shall submit to the Guam Chief Planner for approval, a landscaping Plan and that the Landscaping project be at least Two 2% (percent) of the construction costs, to be certified as such by a registered Architect or Engineer; and
  - B. That pursuant to Section IV(E) of the Interim "H" Resort-Hotel Zone Rules and Regulations, a performance bond in the amount of One Hundred and Ten Percent (110%) of the infrastructure costs of the project, and not less than Two Thousand Dollars (\$2,000) is required and a copy shall be submitted to the Guam Chief Planner, Department of Land Management.
  - C. That pursuant to Section IV(F) of the of the Interim "H" Resort-Hotel Zone Rules and Regulations and based on consultation with applicant's representative a period of Two (2) years will be acceptable time period within which all improvements authorized in the Tentative Development Plan shall be completed.

Mawin Q. Aguilar

Case Planner:

JPB/PCG

Attachments:

ARC Memo to GLUC Member



DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)



Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Mailing Address:

P.O. Box 2950 Hagåtña, GU 96932 EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

October 18, 2016

Memorandum

To:

Guam Land Use Commission (GLUC) Members

From:

Chairman, Application Review Committee (ARC)

Subject:

Summary of Positions Submitted by ARC

Re:

Application No. 2016-02 (Tentative Development Plan)

Website: http://land.guam.gov

E-mail Address:

dlmdir@land.guam.gov

Listed below is the compilation of positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

### **DEPARTMENT OF LAND MANAGEMENT (DLM):**

DLM recognizes this project as compatible with surrounding development and recommends <u>approval</u> with the following conditions:

- A. That prior to issuance of an Occupancy Permit, the applicant shall submit to the Guam Chief Planner for approval, a landscaping Plan and that the Landscaping project be at least Two 2% (percent) of the construction costs, to be certified such by a registered Architect of Engineer; and
- B. That pursuant to Section IV(E) of the Interim "H" Resort-Hotel Zone Rules and Regulations, a performance bond in the amount of One Hundred and Ten Percent (110%) of the infrastructure costs of the project, and not less than Two Thousand Dollars (\$2,000) is required and a copy shall be submitted to the Guam Chief Planner, Department of Land Management.
- C. That pursuant to Section IV(F) of the of the Interim "H" Resort-Hotel Zone Rules and Regulations and based on consultation with applicant's representative a period of Two (2) years will be acceptable time period within which all improvements authorized in the Tentative Development Plan shall be completed.

### **GUAM POWER AUTHORITY (GPA):**

GPA has completed its review of the application and, subject to the following conditions, has no objection.



Facsimile: 671-649-5383



Memo to GLUC Members Ref: ARC Position Statements - Application No. 2016-02 Page 2 of 4

- Pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations, the applicant is required to coordinate power requirements with GPA engineering
- Maintain minimum clearances and provide sufficient space between any structures and electric utility easements. Additionally, the developer shall provide necessary electric utility easements to GPA prior to final connection and provide scheduling and magnitude of project power demand requirements.
- Any and all relocation costs for GPA's facilities is 100% chargeable to the applicant including but not limited to labor and materials.
- GPA reserves the rights to abutting easement Lot 5142-1-4-NEW-2G.
- Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- GPA advises the applicant that a system impact assessment may be required to determine the effect of the facility on GPA's existing power distribution system. Should electrical upgrade be necessary, the applicant shall be responsible for said costs.

### **GUAM WATERWORKS AUTHORITY (GWA):**

GWA expresses approval of this request conditional upon the following:

- GWA requires the applicant to make corrections and resubmit proposed water and sewer calculations.
- The applicant must submit the site development plans to indicate the proposed point of connection for water and sewer to GWA Engineering, subject to inspection and approval
- The applicant shall coordinate with GWA engineering department to discuss the projected water demand and sewer production to determine if any off-site infrastructure improvements are necessary, well in advance of the submitting the building permit application
- The developer shall bear the expense of any necessary infrastructure improvements and receive prior approval subject to inspection by GWA
- The applicant shall install the water meter in the public right of way or easement and install a backflow preventer which complies with current GWA requirements
- A grease trap is required if the development includes a food preparation facility
- New development is subject to water and/or sewer system development charges

### **DEPARTMENT OF PUBLIC WORKS (DPW):**

DPW has completed its review of the subject application and has no objection provided the following conditions are in place:

# Memo to GLUC Members Ref: ARC Position Statements - Application No. 2016-02 Page 3 of 4

- · Adequate width for ingress and egress
- Design a structurally sound retaining wall to withstand lateral earth pressure from the rear yard side along baseline of cliff area
- Design a parking layout and stalls which meets ADA requirements (including compact, standard and accessible stalls)
- Inclusion of solid waste composition

And the following are submitted to DPW:

 A complete set of design drawings which meet all requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, plumbing and ADA requirements.

### **BUREAU OF STATISTICS AND PLANS (BSP):**

The Bureau finds that the proposed use in a "H" (Hotel-Resort)-zoned lot is in line with the North and Central Guam Land Use Plan (NCGLUP), but acknowledges the trigger adverse effects in the Marine Protected Area (MPA) and therefore recommends the following measures:

- Employ erosion and sediment controls before and during construction and employ best management practices including silt fencing found in the CNMI Guam Storm water Management Manual, October 2006.
- Coordinate with the Guam Environmental Protection Agency for effective implementation of erosion control methods.

As the site is within the <u>Ground Water Protection Zone</u> of the Northern Guam Lens Aquifer, the Bureau recommends the applicant:

- Work closely with GEPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act", Section 1424 and "Guam Safe Drinking Water Act" of 10 GCA, Chapter 53 and for implementation of best management practices to prevent stormwater runoff contamination.
- Coordinate with the Guam Waterworks Authority for water resource conservation and water pollution prevention methods.

The project site lies in the <u>Mataguac Spring-Frontal Pacific Ocean Watershed</u> which has seen an increase in the amount of impervious surfaces over the years.

Ref: ARC Position Statements - Application No. 2016-02

Page 4 of 4

The Bureau recommends the developer incorporate additional storm water management practices above and beyond implementing the proposed French drain system.

 The Bureau recommends implementing ecological landscaping design practices such as island bio-retention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens to reduce runoff from the property.

With regards to <u>historical or archaeological resources</u>, the Bureau recommends the applicant:

Coordinate with the Department of Parks and Recreation State Historic Preservation
 Office to ensure the preservation, protection, excavation and evaluation of specimens and
 sites pursuant to "Historical Objects and Sites", 21 GCA Chapter 76.

#### **DEPARTMENT OF PARKS AND RECREATION:**

The Department of Parks and Recreation has no objection though, due to concern over potential historic properties affected within the subject lot, requires the applicant to consult with them regarding historic preservation requirements before engaging in the permitting process.

No other Position Statements have been submitted as of Staff Report date.

Marvin Q. Aguilar Guam Chief Planner

Attachments: ARC Position statements

CC: Executive Secretary, GLUC



The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor

Department of Land Management Time 1 - 1 and Management

Public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE
Deputy Director

July 7, 2016

**MEMORANDUM** 

TO:

Director, Department of Land Management

FROM:

Director

APPLICATION:

SCZ 2016-02

APPLICANT:

Chin I. Huang

SUBJECT:

Tentative Development of an existing vacant lot in an "H" zone

Buenas yan Hafa Adai!

The applicant, Chin I. Huang is requesting for a Tentative Development for Lot No.5142-1-4NEW in an "H" zone area. The subject lot is located within the Municipality of Tumon/ Tamuning and contains a land area of 1,988 square meters or 21,506 square feet. The owner's intent is to construct a three story, eight multi- family dwelling units with an office and a display area.

The Department of Public Works (DPW) has completed its review of the subject application and has no objection to the request provided the following conditions be in place:

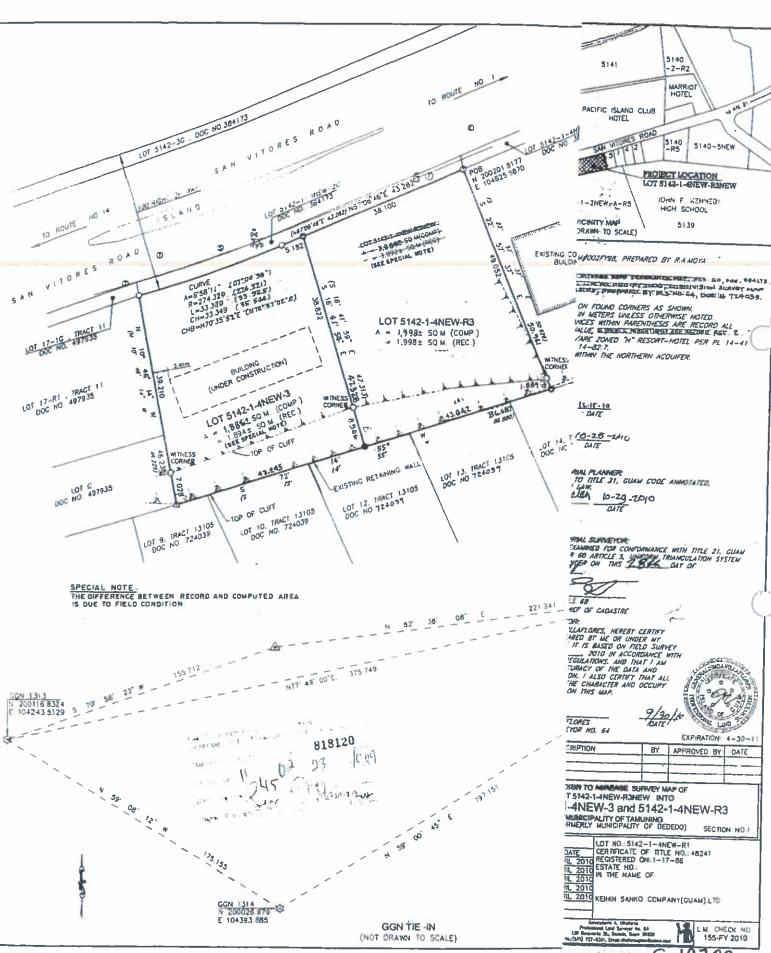
- egress and ingress must be wide for entry and exit purposes;
- to design a retaining wall that is structurally sound and can withstand the lateral earth pressure from the rear yard side along the baseline of the cliff area;
- the parking layout and detail of parking stalls (compact, standard and accessible stalls) must meet the American Standard Disability Act; and
- to include the solid waste composition

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that for building permit application that a complete set of design drawings must meet all the requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, plumbing and ADA requirements.

If you have any questions, please call Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO



5.13780



Eddie B. Calvo Governor

# Ray Tenorio Lt. Governor

#### Department of Parks and Recreation Government of Guam

490 Chalan Palasyo, Agana Heights, Guam 96910 Director's Office: (671) 475-6296/7; Fax (671) 477-0997 Parks Division: (671) 475-6288/9

Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822



Robert S. Lizama
Director

William N. Reyes
Deputy Director

ULU ILIMIE

Department of Land Manageme

In reply refer to: RC2016-0510

July 26, 2016

Memorandum

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

DLM Application No. 2016-02, Tentative Development Plan

Lot 5142-1-4NEW-R3, Municipality of Tamuning

Applicant: Chin I. Huang, c/o: Ignacio F. Santos, Principal in Charge

Case Planner: Jeff B.

We reviewed the subject project and have determined that although we have no objection to the approval of the Tentative Development, we are concern that there may be potential historic properties affected within the existing subject lot.

Therefore, the applicant must consult with us regarding historic preservation requirements before the permitting process.

Should you have any questions, please do not hesitate to contact us.

Robert S. Lizama



### **GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building 688 Route 15, Mangilao, Guam 96913

WB7/13

JUL 1 2 2016

Jeparment Land Management

#### **MEMORANDUM**

June 23, 2016

TO: Director, Department of Land Management

FROM: Miguel C. Bordallo, P.E., General Manager

SUBJECT: Position Statement on Tentative Development Plan

Application No. 2016-02 on Lot 5142-1-4NEW-R3, in a "H"

(Hotel Resort) Zone, in the Municipality of Tamuning.

APPLICANT(S): Chin I. Huang

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative development plan for the proposed construction of a three-story, eight-unit multi-family dwelling with an office and display area for Lot 5142-1-4NEW-R3, in a "H" (Hotel Resort) zone, in the Municipality of Tamuning.

This memorandum shall serve as GWA's position statement to the above tentative development plan request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following is GWA's position in favor of the approval of this tentative development plan request:



# **GUAM POWER AUTHORITY**

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

June 29, 2016

MEMORANDUM

To: Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject: Lots 5142-1-4 NEW-R3, Municipality of Tamuning, (Chin I. Huang); Tentative

Development Application to construct a three story, eight multi-family dwelling units.

Application No. 2016-02

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:

Coordinate overhead/underground power requirements with GPA Engineering for new structures.

 Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.

 Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.

- Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
- Provide scheduling and magnitude of project power demand requirements for new loads.
- All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
- GPA reserves its easement rights to Lot 5142-1-4NEW-2G at the Department of Land Management under document number 384173.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- A system impact assessment may be required to determine the effect of this facility on GPA's
  existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no objection to the request subject to the conditions cited above.

JOHN M. BENAVENTE, P.E

ASG/arp

NO

#### INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority Applicant: Chin I. Huang Location: Lots 5142-1-4 NEW-R3, Tamuning Type of Application: Tentative Development GLUC/GSPC Application No. 2016-02 Brief Project Description: To construct a three story, eight multi-family dwelling units.							
For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.							
I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project:  Yes □ No ☒							
<ol> <li>If the answer to #1 above is YES, then:</li> <li>I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project:</li> </ol>							
Yes □ No ☒  3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:							
Services, Facilities and	Cost of Upgrades	Funds	Date Available	Funds			
Infrastructure Needed Please see comments below		Available		Identified			
I hereby certify that the foregoing is  Comments:  Based on a preliminary inspection demand of the proposed project. A this facility on GPA's existing powany required system upgrade.	of the site, the electric	al facilities may	Date  Y require upgrading to quired to determine to	he effect of			

Eddie Baza Calvo Governor of Guam



Government of Guam P.O. Box 2950 Hagatña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812



William M. Castro Director James T. McDonald Deputy Director

Ray Tenorio Lieutenant Governor

JUL 1 2 2016

MEMORANDUM

TO:

Director, Department of Land Management

ATTN:

Division of Planning

FROM:

Director, Bureau of Statistics and Plans

SUBJECT: APPLICATION NO. Tentative Development Plan 2016-02

LOCATION: Tamuning Lot 5142-1-4NEEW-R3

APPLICANTS: Chin I. Huang

PROPOSED USE: 8 Mutli-family units and 1 office with display area

Buenas yan Håfa Adai! The applicant, Chin I. Huang, is submitting a Tentative Development Plan (TDP) to construct a three story, eight multi-family units and 1 office, with display area, in the municipality of Tamuning, Lot 5142-1-4NEW-R3. The subject property is located off of Pale San Vitores Road, across from Pacific Islands Club in Tumon and has an approximate area of .4937 acres or 21,506.30 square feet.

The lot is currently vacant, therefore basic infrastructure such as water and power are not immediately available on site. General utility services for power, water, sewer, and telephone are available along access road fronting the project site and will be located underground within the property. The subject lot is presently zoned "Hotel Resort." Existing land uses surrounding the project site consist of retail, offices, hotels, singlefamily dwellings, multi-family dwellings, and businesses.

The Bureau of Statistics and Plans (Bureau) has completed its review of the TDP application for Chin I. Huang and provides the following comments and recommendations.

Land Use. The North and Central Guam Land Use Plan (NCGLUP) identifies the project site in a "Tourist Resort" designation, which states:

> "The Tourist/Resort land use category applies to areas needed for commercial uses to serve the traveling public, including hotels/motels, condominium-hotels, single family and multiple

family residential uses, golf courses and other typical resort services and retail uses. These categories are located primarily along the shoreline and include existing and future tourist and resort areas."

The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The Bureau finds that the proposed activity is consistent with the North and Central Guam Land Use Plan.

Protection of Marine Waters. Enacted in 1974, the Guam Territorial Seashore Protection Act (21 GCA63) is designed to prevent the deterioration and destruction of Guam's natural shoreline areas and sole source Northern Guam Lens Aquifer (NGLA), and to protect the natural resources present there. The proposed eight-unit multifamily building site is within the vicinity of Tumon Bay Marine Preserve, a marine protected area (MPA). The Bureau is concerned that the construction project may trigger adverse effects in the MPA if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site, which includes Tumon Bay Marine Preserve. Moreover, the proposed project increases impervious surfaces in the form of rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume carrying pollutants into the bay and accelerating erosion.

The Bureau recommends the applicant, Chin I. Huang, to comply with the following:

- a. Employ erosion and sediment controls before and during construction of the three story building to ensure that sedimentation is avoided and the debris are not allowed to fall and flow in near shore waters. Best management practices including silt fencing may be found in the CNMI Guam Stormwater Management Manual, October 2006.
- b. Coordinate with the Guam Environmental Protection Agency (GEPA) for effective implementation of erosion control methods.

Aquifer Protection. The subject area is in the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer; therefore, the Bureau is concerned that the proposed construction of eight, three story multi-family units and one office will have negative impacts to water quality. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

The Bureau recommends that the applicant, Chin I. Huang, comply with the following:

- a. Work closely with Guam Environmental Protection Agency (GEPA) for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," §1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53, and for implementation of best management practices in preventing stormwater runoff from contaminating Guam's sole source aquifer pursuant to the CNMI and Guam Stormwater Management Manual.
- b. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and water pollution prevention in protection of the Northern Guam Lens Aquifer pursuant to the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.

Low Impact Development. The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from the proposed project comprising parking, driveways, sidewalks, and rooftops accelerate stormwater runoff.

The project location is currently located in a vacant lot. The proposed development will increase impervious surface area in an area already prone to flooding. The Mataguac Spring-Frontal Pacific Ocean Watershed, in which the tentative development project lies, has seen an increase in impervious surface area throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent. As surface area increases so does the risk of flooding and degradation of water quality. The applicant has included an outline of his plan to create a French drain system. The Bureau approves of this methodology due to the high rate of infiltration in the area, however, we also highly recommend that if construction is approved that the developer incorporate more ways in which to manage storm water than just the proposed drainage system.

The Bureau recommends the applicant to consider a green approach in its landscaping design by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to reduce runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride in accordance with the North and Central Guam Land Use Plan. An electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available on the Bureau's, Guam Coastal Management Program's website <a href="https://www.bsp3.guam.gov">www.bsp3.guam.gov</a>.

**Historical and Archaeological Resources.** The applicants did not state in its plan if the property site has known historical or archaeological resources; therefore, the Bureau

BSP Position Statement Application No. 2016-02 Page 4

recommends that the applicants coordinate with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to "Historical Objects and Sites", 21 GCA, Chapter 76.

In conclusion, although the Bureau finds that the tentative proposed development plan falls in line with the North and Central Land Use plan, the proposed project may adversely impact Guam drinking water source and natural resources if best management measures are not in place to control stormwater runoff and to prevent pollutants from entering the aquifer and Tumon Bay, which is a Marine Protected Area. Subsequently, should this application be approved, the Bureau recommends that Chin I. Huang comply with the aforementioned conditions inclusive of incorporating best management practices into the plans and to implement those practices during and after construction of their project for the protection of Guam's natural resources.

WIL<del>LIAM M. CAS</del>TRO

#### ATTACHMENT B



RAY TENORIO

Lieutenant Governor

DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J.B. BORJA

DAVID V. CAMACHO Deputy Director

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

October 17, 2016

#### **MEMORANDUM**

To:

Chairman, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Staff Report - Application No. 2015-38

#### PURPOSE:

- a. Application Summary: The applicant, Richland Development, LLC represented by Mr. Jae S. Ji is requesting approval of a Tentative Subdivision to create a subdivision consisting of Ten (10) Single Family residential Lots on Lot R4, Tract 93021 in the Municipality of Yigo.
- b. Legal Authority: Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law.

#### 2. FACTS:

- a. Location: The subject lot is located in Yigo on the southwest corner of Gayinero Road (route 29) and Chalan Tun Luis Takano, directly across Marianas Terrace. Proposed access to the site is from an existing forty (40) feet wide right-of-way along Chalan Tun Luis Takano about 150 feet from the junction of Gayinero Road and Chalan Tun Luis Takano.
- b. Lot Area: 8,525± Square Meters or 91,747± Square Feet.
- c. Present Zoning: "R1" (Single Family Dwelling) Zone
- d. Field Description: The proposed site is presently vacant, and is presently overgrown with various types of ground cover vegetation, small bushes and previously cleared and occupied by an abandoned concrete residential structure.

Mailing Address: P.O. Box 2950 Hagåtña, GU 96932

Website: http://dlm.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



Continuation of Memorandum

RE: Staff Report - Application No. 2015-38 (Tentative Subdivision)

Lot R4, Tract 93021, Municipality of Yigo

October 17, 2016

Page 2 of 3

- e. Masterplan: Residential- Medium Low Density
- f. Community Design Plan: Urban Residential Low Density
- g. Previous Commission Action: October 7, 2010 GLUC Disapproved a Zone Change Application, from "R-1" to "C" for proposed Yigo Village Commercial Center with accessory facilities.

### 3. APPLICATION CHRONOLOGICAL FACTS:

a. Date Application Accepted: July 14, 2016

b. Date Heard By ARC: August 4, 2016

c. Public Hearing Results: Not Required

#### 4. STAFF ANALYSIS:

As requested by the applicant, the intent is to create a subdivision consisting of ten (10) single family residential lots ranging in size from 5,990 square feet to 8,825.7 square feet, a recreational area lot containing 3,766.7 square feet, a ponding basin lot containing 4,723.78 square feet and a 40 feet wide public access and utility easement containing 11,378.04 square feet.

In its development concept, the applicant proposes to construct a single family residential structure on each of the 10 residential lots, develop the 40 feet access and utility easement complete with paved lanes, sidewalks, and landscaping from its junction with Chalan Tun Luis Takano. A runoff drainage system, to include the ponding basin, is also to be developed to address all on site runoff and all common areas to include the recreational area is to be developed and landscaped appropriately for recreational use.

The applicant in its efforts to address the health, safety and general welfare issues of the proposed development and the public in general has been coordinating with the various government entities to ensure that their requirements are adhered, to provide adequate connection to the public sewer system, provide adequate connection to the public water system and required number of fire hydrants, to provide adequate street right of way to accommodate regular and emergency vehicle travel lanes, sidewalks, utilities, street lights and approved entrance/exit to and from the subdivision, provide adequate storm water system to include a bioretention pond. In addition, the applicant is to provide an area for postal service, landscaping within the residential and open/playground areas.

Continuation of Memorandum

RE: Staff Report - Application No. 2015-38 (Tentative Subdivision)

Lot R4, Tract 93021, Municipality of Yigo

October 17, 2016

Page 3 of 3

- 5. **RECOMMENDATION:** Based on the submitted application and supporting information, the applicants continuing efforts to work with the various government entities and the positive response from members of the ARC. We recommend **APPROVAL** with the following conditions:
  - A. The applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement;

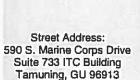
arvin Q. Aguilar

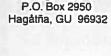
Case Planner:

F.P.TAITANO

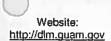
Attachments:

ARC Memo to GLUC Member





Mailing Address:



E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)





### DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

October 17, 2016

#### Memorandum

To: Guam Land Use Commission (GLUC) Members

From: Chairman, Application Review Committee (ARC)

Subject: Summary of Positions Submitted by ARC

Re: Application No. 2015-38 (Tentative Subdivision)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

### **DEPARTMENT OF LAND MANAGEMENT (DLM):**

DLM recommends approval with the following conditions:

 The applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement.

GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA): GEDCA has no objections.

### **GUAM POWER AUTHORITY (GPA):**

Guam Power Authority has reviewed the application and submits the following position statement:

- A. Comments and Recommendation Concerning GPA requirements:
  - GPA has no objection however customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:

Ref: ARC Position Statements - Application No. 2015-38

October 17, 2016

Page 2 of 8

- a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;
  - b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
  - c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
  - d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
  - e. Provide scheduling and magnitude of project power demand requirements for new loads:
  - f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
  - Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;
  - 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities;
  - 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

#### B. General Comments

GPA has no object to the request subject to the conditions cited above.

### **DEPARTMENT OF PUBLIC WORKS (DPW):**

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the request provided the following conditions be in place:

- Storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- b. A traffic impact analysis must be coordinated with the Division of Highways, Traffic Control Section;
- c. Parking layout and parking stalls (compact, standard and accessible stalls) must meet the American Disability Act (ADA) requirements;
- d. Adequate egress/ingress must be coordinated with the Division of Highways, Rights of Way Section;
- e. Coordinate with Bus Operations on the designated location for bus shelters;
- f. Parks and playground including landscaping must be design in detail and make use of its physical and biological resources which will have a great impact to the environment;

Ref: ARC Position Statements - Application No. 2015-38

October 17, 2016

Page 3 of 8

g. Bio- retention ponding basin;

- h. The easement of average lot must be 44 feet wide which includes the sidewalks with a minimum of 4 feet, paved roads, street lights, curbs, fire hydrants, power, water and sewer;
- i. Entrance/exit must be wide enough for easy public access to install telephone and cable services; and
- j. Provide solid waste composition.

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that building permit application must incorporate all the necessary disciplines needed in the design drawings and must be in conformance with the latest building code edition including the applicable rules, regulations and ADA requirements.

### **GUAM WATERWORKS AUTHORITY (GWA):**

This memorandum shall serve as GWA's position statement to the above tentative subdivision application related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this tentative subdivision application:

 The civil basis of design indicates that no manholes will be installed and a six-inch sewer lateral will be used. If the developer constructs water and sewer infrastructure and will request that GWA accept ownership, the infrastructure must meet GWA standards, including construction on public rights of way or easements and inspection by GWA. A minimum sewer main diameter of eight-inches is required.

 Section 5 "Infrastructure" proposes a two-inch connection for dual meter installations. GWA details call for a one-and-a-half-inch water lateral for dual installations. A blow-off assembly is required at all water main

dead-ends.

Ref: ARC Position Statements - Application No. 2015-38

October 17, 2016

Page 4 of 8

3. Section 5 "Infrastructure" identifies a three-inch minimum diameter for individual lot sewer connections. GWA details call for a six-inch sewer lateral from the sewer main to the property boundary. The lateral may be reduced to four-inches on private property.

4. The civil basis of design references "San Vitores Road" and "townhouses". The applicant shall submit corrected civil basis of design for the proposed

development.

5. GWA must have 24-hour access to utility rights of way/easements. If the proposed development will be gated: (a) GWA must approve the access method; (b) the developer shall register the appropriate documentation (such as a utility grant of right of way) with DLM; and (c) gates shall be provided where connections to offsite GWA utilities are located, in order to allow maintenance and repairs of

utilities crossing the fence line without damaging the fence.

6. GWA requires coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development, and if sewage pretreatment is required. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements. application will be contingent upon the completion of the offsite improvements.

7. Finalized property maps identifying public rights of way or easements must be

submitted to GWA.

8. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement.

9. New development is subject to water and/or sewer system development charges

(SDC).

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development

### **BUREAU OF STATISTICS AND PLANS (BSP):**

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Village Center" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (e) Village Center.

Memo to GLUC Members
Ref: ARC Position Statements - Application No. 2015-38
October 17, 2016
Page 5 of 8

"The Village Center category is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern that is consistent with traditional Chamorro villages and neighborhoods (similar to the urban neighborhoods proposed by the Hagatiia Redevelopment Masterplan). Uses may be mixed vertically, such as retail street level, with residential above, or horizontally, with a mixed of uses next to each other in separate buildings. This designation applies to the existing Dededo and Yigo villages, on a smaller scale to Mangilao and Barrigada, along with two new areas in the northern part of the Island. Flexibility is encouraged in this category, recognizing that the exact mix and configuration of uses must be responsive to community needs and history. Future implementation may include development standards to ensure preservation of existing historic structures. Development should occur in a manner that creates a central focal point and supports bicycle and pedestrian linkages to the surrounding area."

The Bureau finds that the proposed project is consistent with the NCGLUP's Future Land Use Map designations.

Aquifer Protection. The applicant's Yigo property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that the proposed construction of ten (10) single family homes will trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

- Implement best management practices (BMPs) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's sole source aquifer in accordance with the CNMI and Guam Stormwater Management Manual. Additional BMPs may be found in the manual in the Bureau's website <u>www.bsp3.guam.gov</u> under the Guam Coastal Management Program.
- Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," §1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53.

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2015-38 October 17, 2016 Page 6 of 8

- 3. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.
- 4. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau recommends that Richland Development LLC prevent adverse impacts from construction site runoff by employing best management practice. These practices include the following, but are not limited to:

- Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

Detailed information and other practices are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website <a href="www.bsp3.guam.gov">www.bsp3.guam.gov</a> under Guam Coasta Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Memo to GLUC Members
Ref: ARC Position Statements - Application No. 2015-38
October 17, 2016
Page 7 of 8

Considering the growing concerns of flooding due to increased impervious surface, the applicant should be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at <a href="https://www.bsp3.guam.gov">www.bsp3.guam.gov</a> under the Guam Coastal Management Program.

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

**Historic Preservation.** The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division that the proposed development does not affect historic properties.

In conclusion, the Bureau finds that construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater runoff on site. Therefore, the Bureau advises Richland Development LLC to comply with above listed conditions if this application is approved. The Bureau also finds that the proposed activity is consistent with the North and Central Guam Land Use Plan's Village Center designation.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage Richland Development LLC to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

### **DEPARTMENT OF PARKS AND RECREATION (DPR):**

DPR reviewed the subject application for the applicant Richland Development LLC and have no objection to the proposed development. Please see attached letter dated April 20, 2010, Department of Parks and Recreation. The letter referenced above is DPR's position statement for application 2010-021(Zone Change from "R-1" to "C" that was disapproved by the Commission on October 7, 2010). The position statement noted that the zone change will not affect historic properties that are within or around the vicinity of the subject property.

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2015-38 October 17, 2016 Page 8 of 8

# GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

Has not submitted Position Statement as of Staff Report date.

### **GUAM FIRE DEPARTMENT (GFD):**

Has not submitted Position Statement as of Staff Report date.

### **DEPARTMENT OF AGRICULTURE (DoAg):**

Has not submitted Position Statement as of Staff Report date.

### DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):

Has not submitted Position Statement as of Staff Report date.

## DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

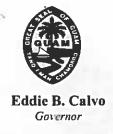
Has not submitted Position Statement as of Staff Report date.

### **GUAM PUBLIC SCHOOL SYSTEM (GPSS):**

Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar Guan Chief Planner

Attachments: ARC Position statements CC: Executive Secretary, GLUC



### Department of Parks and Recreation Government of Guam

490 Chalan Palasyo, Agana Heights, Guam 96910 Director's Office: (671) 475-6296/7; Fax (671) 477-0997 Parks Division: (671) 475-6288/9 Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822



Robert S. Lizama
Director

William N. Reyes
Deputy Director

Ray Tenorio

Lt. Governor

In reply refer to: RC 2010-6784

October 7, 2016

Memorandum

To:

Director, Department of Land Management

From:

Director, Department of Parks and Recreation

Subject:

Richland Development LLC (Jae S. Ji Project Manager) Application No. 2015-38:

Tentative Subdivision Application for a Proposed Ten (10) Single-family House Lot

Subdivision Development on Lot R4 Tract 93021, Municipality of Yigo

We reviewed the subject application for the applicant Richland Development LLC and have no objection to the proposed development. Please see attached letter dated April 20, 2010, Department of Parks and Recreation.

Should you have any questions, please do not hesitate to call us.

Robert S. Lizama

Director



Felix P. Camacho

### Department of Parks and Recreation Government of Guam

490 Chalan Palasyo Agana Heights, Guam 96910 Director's Office: (671) 475-6289 Facsimile: (671) 477-0997

Parks Division: (671) 475-6289 Guam Historic Resources Division: (671) 475-6272

Facsimile: (671) 477-2822



Joseph W. Dueñas

Jose M. Quinata, Jr.
Deputy Director

# Michael W. Cruz, MD

### APR 20 2010

In reply refer to: RC2010-6784

#### Memorandum

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

DLM Application No.: 2010-021, Zone Change Application

Lot R4, Tract 93021, Municipality of Yigo, Guam

Applicant: Guam Pinnacle Corp. Represented by: F.C. Benavente, Planners

We have reviewed the application requesting approval for the above subject and have also conducted a site inspection of the subject lot, and have the following comments.

The applicant's purpose for seeking a Zone Change will not affect historic properties that are within or around the vicinity of the subject lot. Therefore, we have no objection to the approval of this Zone Change Application.

If you have any questions, please call us at 475-6272.

Joseph W. Dueñas

77

April 20, 2010 JWD/AM:cb Originator Chrono

Director's copy

Eddie Baza Calvo Governor of Guam

Lieutenant Governor

Ray Tenorio

BUREAU OF

STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam P.O. Box 2950 Hagatña, Guam 96932 Tel: (671) 472-4201/3

Fax: (671) 477-1812



William M. Castro
Director

James T. McDonald
Deputy Director

OCT 0 5 2016

**MEMORANDUM** 

To:

Chairman, Guam Land Use Planning

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

APPLICATION NO. 2015-38; LOCATION: Lot No. R4, Tract 93021, Yigo; APPLICANT: Richland Development LLC; PROPOSED USE: Tentative Subdivision for Construction of Ten (10) Single Family House

Lots

Håfa Adai! The applicant, Richland Development LLC, represented by Jae S. Ji, request for tentative subdivision for the proposed construction of ten (10) single family house lots on Lot R4, Tract 93021, in an R1 Single Family Dwelling zone in the municipality of Yigo. The proposed project also comprises recreational park area lots, landscaped streets, sidewalks and common areas with canopy trees. The applicant also proposes sustainable concepts throughout the development from the initial design to the construction, maintenance, and management of the area.

The property is zoned R1 Single Family Dwelling and is approximately 91,747 square feet or 2.1 acres in size. The vacant property can be accessed from Chalan Tun Luis Takano and Gayinero Road, just off of Route 15. Surrounding land uses are primarily residential homes and commercial developments. The village catholic church, community center, and recreational ball field are within a mile from the proposed project location.

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Village Center" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (e) Village Center:

"The Village Center category is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern that is consistent with traditional Chamorro villages and neighborhoods (similar to the urban neighborhoods proposed by the Hagåtña Redevelopment Masterplan). Uses may be mixed vertically, such as retail street level, with residential above, or horizontally, with a mixed of uses next to each other in separate buildings. This designation applies to the existing Dededo and Yigo villages, on a smaller scale to Mangilao and Barrigada, along with two new areas in the northern part of the Island. Flexibility is encouraged in this category, recognizing that the exact mix and configuration of uses must be responsive to community needs and history. Future implementation may include development standards to ensure preservation of existing historic structures. Development should occur in a manner that creates a central focal point and supports bicycle and pedestrian linkages to the surrounding area."

The Bureau finds that the proposed project is consistent with the NCGLUP's Future Land Use Map designations.

**Aquifer Protection.** The applicant's Yigo property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that the proposed construction of ten (10) single family homes will trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

- 1. Implement best management practices (BMPs) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's sole source aquifer in accordance with the CNMI and Guam Stormwater Management Manual. Additional BMPs may be found in the manual in the Bureau's website <a href="https://www.bsp3.guam.gov">www.bsp3.guam.gov</a> under the Guam Coastal Management Program.
- 2. Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," §1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53.

- 3. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.
- 4. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

**Erosion Control.** Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau recommends that Richland Development LLC prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

Detailed information and other practices are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website <a href="www.bsp3.guam.gov">www.bsp3.guam.gov</a> under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant should be required to implement LID practices such as permeable parking and

walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at <a href="https://www.bsp3.guam.gov">www.bsp3.guam.gov</a> under the Guam Coastal Management Program.

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

**Historic Preservation.** The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division that the proposed development does not affect historic properties.

In conclusion, the Bureau finds that construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater runoff on site. Therefore, the Bureau advises Richland Development LLC to comply with above listed conditions if this application is approved. The Bureau also finds that the proposed activity is consistent with the North and Central Guam Land Use Plan's Village Center designation.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage Richland Development LLC to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

WILLIAM M. CASTRO

cc: GEPA

DPW GWA

DPR

**GPA** 



# **GUAM POWER AUTHORITY**

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA. GUAM U.S.A. 96932-2977

July 26, 2016

M38/2



#### MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot R4, Tract 93021, Municipality of Yigo, (Richland Development LLC); Tentative Subdivision Application to construct 10 Single Family House Lots. Application No.

2015-38

Guam Power Authority has reviewed the application described above and submits the following position statement:

#### A. Comments and Recommendations Concerning GPA requirements:

- 1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.
- B. General Comments

GPA has no objection to the request subject to the conditions cited above.

JOHN M. BENAVENTE, P.E

ASG/arp

Q 812

#### INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority
Applicant: Richland Development LLC
Location: Lot R4, Tract 93021
Type of Application: Tentative Subdivision

Type of Application: Tentative Subdivision GLUC/GSPC Application No. 2015-38

**Brief Project Description:** 

To construct 10 Single Family House Lots.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

1.		equired GOVERNMENT SERVICES, FACILITIES and currently AVAILABLE AND IN PLACE to support this project:  No						
2.	If the answer to #1 above is YES, then: I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project:							
	Yes [	] No	) <b>(3</b>					
<ol> <li>If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:</li> </ol>								
Service:	s, Facilities and	Cost of Upgrades	Funds	Date Available	Funds			
Infrastructure Needed			Available		Identified			
Please see comments below								
		1.71						

I hereby certify that the foregoing is true and correct to the best of my knowledge.

Comments:

General Manager

Based on a preliminary inspection of the site, the electrical facilities <u>may</u> require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.





GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE
Deputy Director

DICE LIMITED

August 12, 2016

MEMORANDUM

TO:

Director, Department of Land Management

FROM:

Director

SUBJECT:

Position Statement No. 2015-38

Zone "R-1" on Lot R4 Tract 93021 within the Municipality of Yigo

Guam 96929

Buenas yan Hafa adai!

The applicant, Johnson Ma, representative of Richland Development LLC, the registered owners of Lot R4, Tract 93021 approximately 2 plus acre lot. (8,525+/- SM or 91,747+/- SF) within the Municipality of Yigo. The proposed project entails to build a ten (10) single family dwelling house subdivision on the above subject lot in an "R-1" (Single Family Dwelling) zone with an additional accessory lots.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- a traffic impact analysis must be coordinated with the Division of Highways, (Traffic Control Section);
- parking layout and parking stalls (compact, standard and accessible stalls) must meet the American Disability Act (ADA) requirements;
- adequate egress/ ingress must be coordinated with the Division of Highways, Rights of Way Section;
- coordinate with Bus Operations on the designated location for bus shelters;
- parks and playground including landscaping must be design in detail and make use of its
  physical and biological resources which will have a great impact to the environment;
- ecological planning is needed in order to ensure the conservation of its resources;
- bio- retention ponding basin;
- the easement of average lot must be 44 feet wide which includes the sidewalks with a minimum of 4 feet, paved roads, streetlights, curbs, fire hydrants power, water and sewer;
- entrance/ exit must be wide enough for easy public access to install telephone and cable services; and
- provide solid waste composition.

542 North Marine Corps Drive. Tamuning Guam 96913 ● Tel (671) 646-3131 ● Fax (671) 649-6178

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that building permit application must incorporate all the necessary disciplines needed in the design drawings and must be in conformance with the latest building code edition including the applicable rules, regulations and ADA requirements.

Should you have any questions, please contact Mr. John F. Calanayan, Acting Chief Engineer or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646 - 3189/3224.

Dangkulu na Si Yu'os Ma'ase!

GLEAN LEON GUERRERO



RECEIVED

而是而已到

MICIGIEN

Jepartment of Land Manag

Gloria B. Nelson Public Service Building

688 Route 15, Mangilao, Guam 96913

**MEMORANDUM** 

September 23, 2016

TO:

Director, Department of Land Management

FROM:

Thomas F. Cruz, P.E., Acting General Manager

SUBJECT:

Position Statement on Tentative Subdivision Application No. 2015-

38 for Lot R4 Tract 93021, in an "R1" (Single-Family Dwelling)

Zone, in the Municipality of Yigo.

APPLICANT(S):

Richland Development, LLC

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative subdivision application approval for a ten (10) single-family house lot subdivision within a "R1" (Single-Family Dwelling) zone.

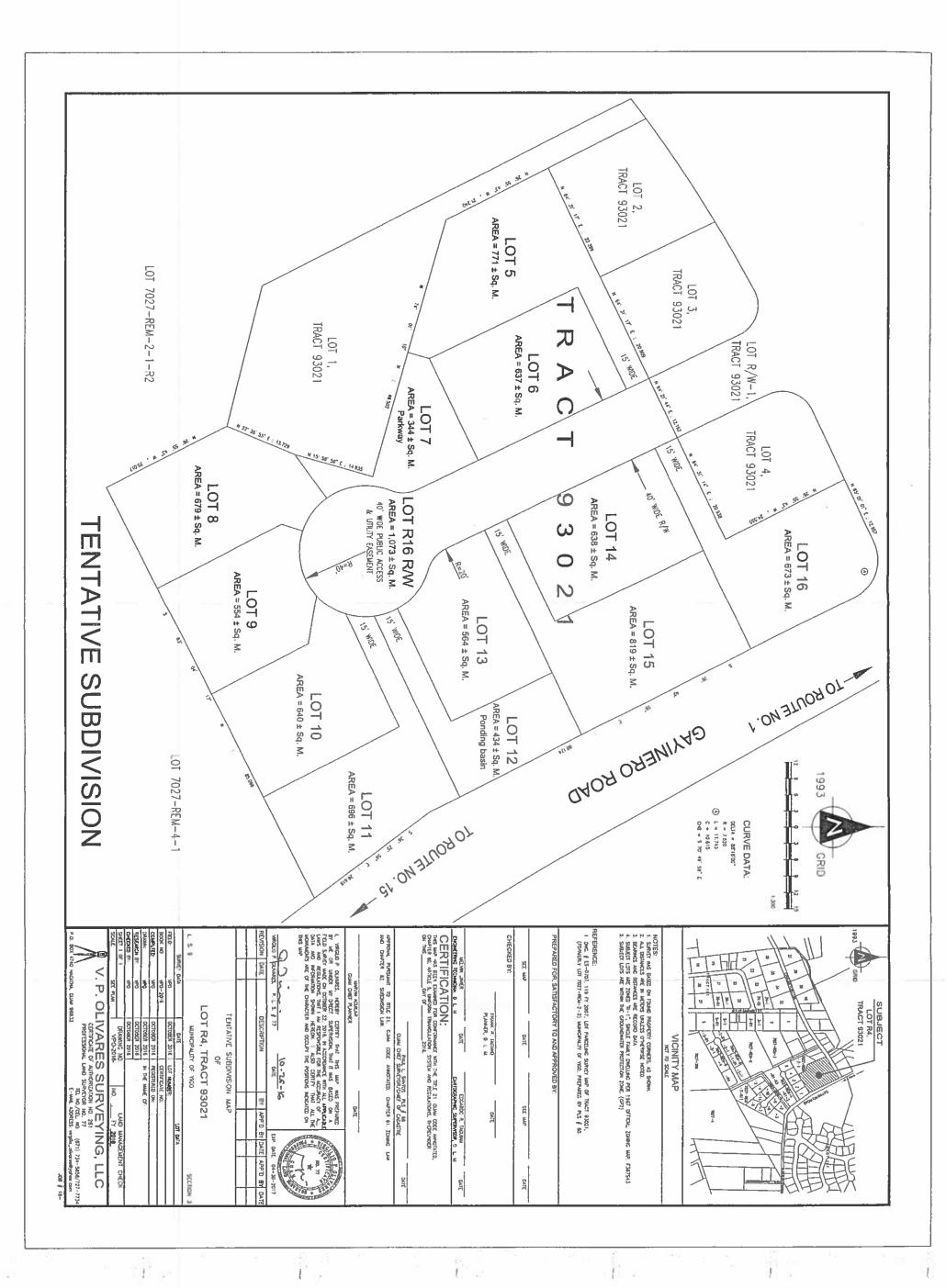
This memorandum shall serve as GWA's position statement to the above tentative subdivision application related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this tentative subdivision application:

- The civil basis of design indicates that no manholes will be installed and a sixinch sewer lateral will be used. If the developer constructs water and sewer infrastructure and will request that GWA accept ownership, the infrastructure must meet GWA standards, including construction on public rights of way or easements and inspection by GWA. A minimum sewer main diameter of eightinches is required.
- 2. Section 5 "Infrastructure" proposes a two-inch connection for dual meter installations. GWA details call for a one-and-a-half-inch water lateral for dual installations. A blow-off assembly is required at all water main dead-ends.

- Section 5 "Infrastructure" identifies a three-inch minimum diameter for individual lot sewer connections. GWA details call for a six-inch sewer lateral from the sewer main to the property boundary. The lateral may be reduced to four-inches on private property.
- 4. The civil basis of design references "San Vitores Road" and "townhouses". The applicant shall submit corrected civil basis of design for the proposed development.
- 5. GWA must have 24-hour access to utility rights of way/easements. If the proposed development will be gated: (a) GWA must approve the access method; (b) the developer shall register the appropriate documentation (such as a utility grant of right of way) with DLM; and (c) gates shall be provided where connections to offsite GWA utilities are located, in order to allow maintenance and repairs of utilities crossing the fence line without damaging the fence.
- 6. GWA requires coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development, and if sewage pretreatment is required. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construct permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.
- 7. Finalized property maps identifying public rights of way or easements must be submitted to GWA.
- 8. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement.
- 9. New development is subject to water and/or sewer system development charges (SDC).

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.



#### ATTACHMENT C





MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO

Mailing Address:

P.O. Box 2950 Hagátña, GU 96932

Street Address:

590 S. Marine Corps Drive

Suite 733 ITC Building

Tamuning, GU 96913

Website: http://dlm.quam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



October 17, 2016

**BAY TENORIO** 

Lieutenant Governor

#### **MEMORANDUM**

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Commission Brief - 6-Month Status Report and Compliance to

Conditions of Approval of Application No. 2008-003B, Amended Tentative Development Plan for Lot Nos. 5131NEW, 5131-1, 5126-3-

1NEW, Tumon, Municipality of Tamuning

As noted on the attached April 14, 2016 GLUC Agenda- Disposition, the applicant, in response to the "Order to Show Cause" issued by the Commission on December 2, 2015 was entertained by the Commission under "Administrative and Miscellaneous Matters" for the applicant to present its 6-Month Status Report and an Amended Tentative Development Plan and will work with the Chief Planner to arrive at the amount of the Amended tentative development that will be the basis of the 110% performance and payment bond computation that is required for this application.

The Commission in response to the above, accepted the applicant's 6-Month status report which included a portion of the Amended Site Development Plan (dated April 4, 2016) that focuses strictly on the proposed Tumon Bay Mall structure and revised parking area. In addition, it was the order of the Commission that the Order to Show Cause be continued and that the applicant returns to the Commission to address the financial assurance portion of this project (Letter of Credit dollar amount).

In response to the 6-month status report condition and the Commission's April 14, 2016 order, the applicant submits a "Letter of Credit" with conditions, in the amount of \$861,947.00 for the Infrastructure Improvements of the Tumon Bay Shopping Center under Application 2008-003B with the current completion date of December 30, 2016 and the Guam Land Use Commission as the "Beneficiary". The applicant also submits a "Six Month Status Update for the Tumon Bay Mall", consisting of a listing of completed work and on-going work.

Commission Brief - Application No. 2008-003B Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Tumon Municipality of Tamuning October 17, 2016 Page 2

We have review the applicant's submittal and at this time reserved our response and remit it to the Commission for their action.

Marvin Q. Aguilar Chief Planner

ATTACHMENTS: 6-Month Status Report and Letter of Credit April 14, 2016 GLUC Agenda-Disposition

#### **GUAM LAND USE COMMISSION**

Chairman John Z. Arroyo Commissioner Conchita D. Bathan Commissioner Tricee P. Limtiaco

Vice Chairman Victor F. Cruz Commissioner Tae S. Oh Commissioner (Vacant-2)

Michael J.B. Borja, Executive Secretary Kristan Finney, Assistant Attorney General

# **AGENDA - Disposition**

Regular Meeting
Thursday, April 14, 2016 @ 1:30 p.m.

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

I. Notation of Attendance [X] Quorum 1:45 p.m. [ ] No Quorum
Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioners Tricee Limitaco and Tae Oh,
Executive Secretary Michael Borja, Legal Counsel Kristan Finney, Chief Planner Marvin Aguilar, Planning Staff
Celine Cruz, Penmer Gulac and Frank Taitano, and Recording Secretary Cristina Gutierrez

[Excused absence - Commissioner Conchita Bathan]

- II. Approval of Minutes
  - GLUC Regular Meeting of Thursday, February 25, 2016/March 10, 2016 [It was clarified that the hearing of March 10, 2016 was a continuation of the February 25, 2016 meeting. Motion to approve the Minutes of February 25, 2016 and adjourned on March 10, 2016 was passed unanimously with a vote of 4 ayes, 0 nay.]
- III. Old or Unfinished Business [None noted by the Chief Planner]
- IV. New Business

#### **Zone Change**

A. The Applicant, Goodwind Development Corporation represented by Harry D. Gutierrez; request for zone change from "A" (Agricultural) to "M1" (Light Industrial) zone for the proposed construction of warehouses, office spaces and equipment parking, on Lots 5326-8, 5326-12, 5326-14, 5326-4-1, 5326-4-2-R1, in the Municipality of Dededo, under Application No. 2015-35. [Postponed from GLUC Hearing of February 25, 2016]

Case Planner: Penmer Gulac

[It was the order of the Commission to continue the hearing of this application pending correction of lot numbers noted on the Notice to Rezone billboard sign. Application is tentatively scheduled for 4/28/2016]

B. The Applicant, Sin-Hung Construction Corporation represented by Harry D. Gutierrez; request for zone change from "A" (Agricultural) to "M1" (Light Industrial) zone, for the proposed construction of a warehouse, office spaces, equipment shelter and other permitted use in a light industrial zone, on Lot 5224-1-8-2, Tract 308 in the Municipality of Barrigada, under Application No. 2015-39. Case Planner: Penmer Gulac

Action – Motion to approve the applicant's request for a zone change was passed unanimously by the Commission. [4 ayes, 0 nay]

#### V. Administrative and Miscellaneous Matters

#### **Horizontal Property Regime**

C. The Applicant, Karen Young S. Kim (Developer) represented by Melinda S. Swavely, Esq.; requests issuance of its Seventh Supplementary Final Public Report Happy Condo located on Lot 10, Block 1, in the Municipality of Tamuning, HRP No. 160, under Application No. 2008-78G.

Case Planner: Celine Cruz

Action – Commission approved unanimously the applicant's request for issuance of its 7th Supplementary Final Public Report with an expiration date of May 14, 2017. [4 ayes, 0 nay]

D. The Applicant, Alupang Beach Tower; requests issuance of its supplementary final public report for Alupang Beach Tower Condominiums, on Lot #2015-1-REM-NEW-2 and Lot 131-REV-Unit 1, in the Municipality of Tamuning, in a "C" (Commercial) zone, HPR No. 92, under Application No. 1992-39C.

Case Planner: Celine Cruz

Action – Commission was not ready at this point to make a decision on this application. Chairman Arroyo ordered the continuation of this application; and, placed back on the May 12, 2016 agenda for further discussion and/or decision.

#### **Order to Show Cause**

E. The Applicant, Grandview Development, LLC; order to show cause as to the reason(s) for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013, under Application No. 2008-003B. [Continuation: GLUC Hearing – January 14, 2016]

Case Planner: Frank Taitano

Action – Commission accepted the applicant's 6-month status report which included a portion of the amended Site Development Plan (dated April 4, 2016) that focuses strictly on the proposed Tumon Bay mall structure and revised parking area. In addition, it was the order of the Commission that the Order to Show Cause be continued and that the applicant returns to the Commission to address the financial assurance portion of this project (Letter of Credit dollar amount).

VI. Adjournment [There being no further business to be discussed, meeting was adjourned at 5:15 p.m.]

# RECEIVED

9-30-16-08

# FC Benavente, Planners

Planning, Zoning, Land Development Consulting, Permitting

127 Bejong Street, Barrigada, GU 96913 Tel: 671.687.9865 richardjsana@yahoo.com m

September 30, 2016

Mr. Michael Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
P.O. Box 2950
Hagatna, Guam 96910

Subject:

Six Month Status Update for Tumon Bay Mall

(Grandview Development LLC)

Hafa Adai Mr. Borja:

On behalf of Grandview Development LLC, I am pleased to submit a status update on the Tumon Bay Mall as required on the project's condition of approval by the GLUC's previous action and decision to approve the Tentative Development Plan (TDP) of the project. Attached, are the pertinent and supporting information required for the the GLUC's review and I look forward to presenting this report to the Commission at the next scheduled meeting.

Si Yu'os Ma'ase

Richard J. Sana

**Duly Authorized Representative** 

island of Guarn, Government of Guarn Department of Land Management Officer of the Recorder File for Record is Instrument No. DE-OFFICIO (Space above for Recordation) LISA M. QUITANO IMPORTANT NOTICE - READ CAREFULLY "Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change\*\*\*." **GUAM LAND USE COMMISSION** COPW Department of Land Management Government of Guam P.O. Box 2950 Hagatīna, Guarn 96932 NOTICE OF ACTION January 19, 2016 To: Grandview Development, LLC Application No. 2008-003B c/o Felix C. Benavente 2149 San Miguel Building. Suite 1, Army Drive Dededo, Guam 96929 The Guam Land Use Commission, at its meeting on January 14, 2016. Disapproved XX/ Approved with Conditions: Approved The extension of the existing Notice of Action for the approved Amended Tentative Development Plan (TDP) on Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW,

Municipality of Tamuning.

Application No. 2008-003B

#### **NOTICE OF ACTION**

Grandview Development, LLC
RE: Lot Nos., \$131NEW, 5131-1 & 5126-3-1NEW
Municipality of Tamuning
GLUC Hearing Date: January 14, 2016
Date: January 19, 2016
Page 2 of 4

ZONING	SUBDIVISION
/ Zone Change***	/ Tentative
/ Conditional Use	/ Final
Zone Variance [ ] Height [ ] Use [ ] Density [ ] Other (Specify)	/ Extension of Time
XX/ Extension of Notice Of Action for an Approved Amended Tentative Development Plan	/ PL 28-126, SECTION 1(A)
***Approval by the Guam Land Use Commission of	ZONE CHANGE DOES NOT CONSTITUTE
FINAL APPROVAL but rather a recommendation to the be notified upon action taken by the Governor. [F 61(Zoning Law), Section 61634 (Decision by the Commendation to the beautiful provided in the commendation to the c	eference 21 GCA (Real Property). Chapter
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be notified upon action taken by the Governor. [F 61(Zoning Law), Section 61634 (Decision by the Communication Examples of the Communication of the Communic	DRIZONTAL PROPERTY REGIME  Preliminary  Final
SEASHORE / Wetland Permit/ Seashore Clearance	DRIZONTAL PROPERTY REGIME  Preliminary  Final

NOTICE OF ACTION

**Grandview Development, LLC** 

RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW

**Municipality of Tamuning** 

GLUC Hearing Date: January 14, 2016

Date: January 19, 2016

Page 3 of 4

APPLICATION DESCRIPTION: The applicant, Grandview Development, LLC in response to an "Order to Show Cause" as to the reason(s) for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013, presented its status report on the Tumon Bay Shopping Center, on Lot Nos. 5131, 5131-1, 5126-1-R1, 5126-3-1, 5126-1 and 5132-R1, in the Municipality of Tamuning.

- COMMISSION DECISION: The Guam Land Use Commission approved the extension of the applicant's existing Notice of Action with a new expiration of December 31, 2016, subject to the following conditions;
- The applicant is to come before the Commission in 60 days from January 14, 2016
  to present an Amended Tentative Development Plan and will work with the Chief
  Planner to arrive at the amount of the Amended tentative development that will be
  the basis of the 110% performance and payment bond computation that is required
  for this application.
- All conditions of the original NOA remains unchanged until the applicant submits the amended tentative development plan which includes the 6-month status report that is required on the NOA dated 3/29/2013

Marvin Q. Aguilar Guam Chief Planner Date

te

John Z. Arroyo

Chairman/

Guam-Land Use Commission

Date

Case Planner: Frank P. Taltano Ca: Building Permits Section, DPW

Real Property Tax Division, Department of Revenue and Taxation

Grandview Development, LLC
RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW
Municipality of Tamuning
GLUC Hearing Date: January 14, 2016
Date: January 19, 2016
Page 4 of 4

### **CERTIFICATION OF UNDERSTANDING**

(Applicant [Please print name])    Representative [Please print name])
Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.
The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.
This requirement shall not apply for application for a Zone Change***
I/We, further <u>AGREE</u> and <u>ACCEPT</u> the conditions above as a part of the Notice of Action and further <u>AGREE TO ANY AND ALL CONDITIONS</u> made: a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.
Signature of Applicant Date Signature of Representative Date
ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:
Applicant Date Representative Date

# Tumon Bay Mall

#### STATUS REPORT

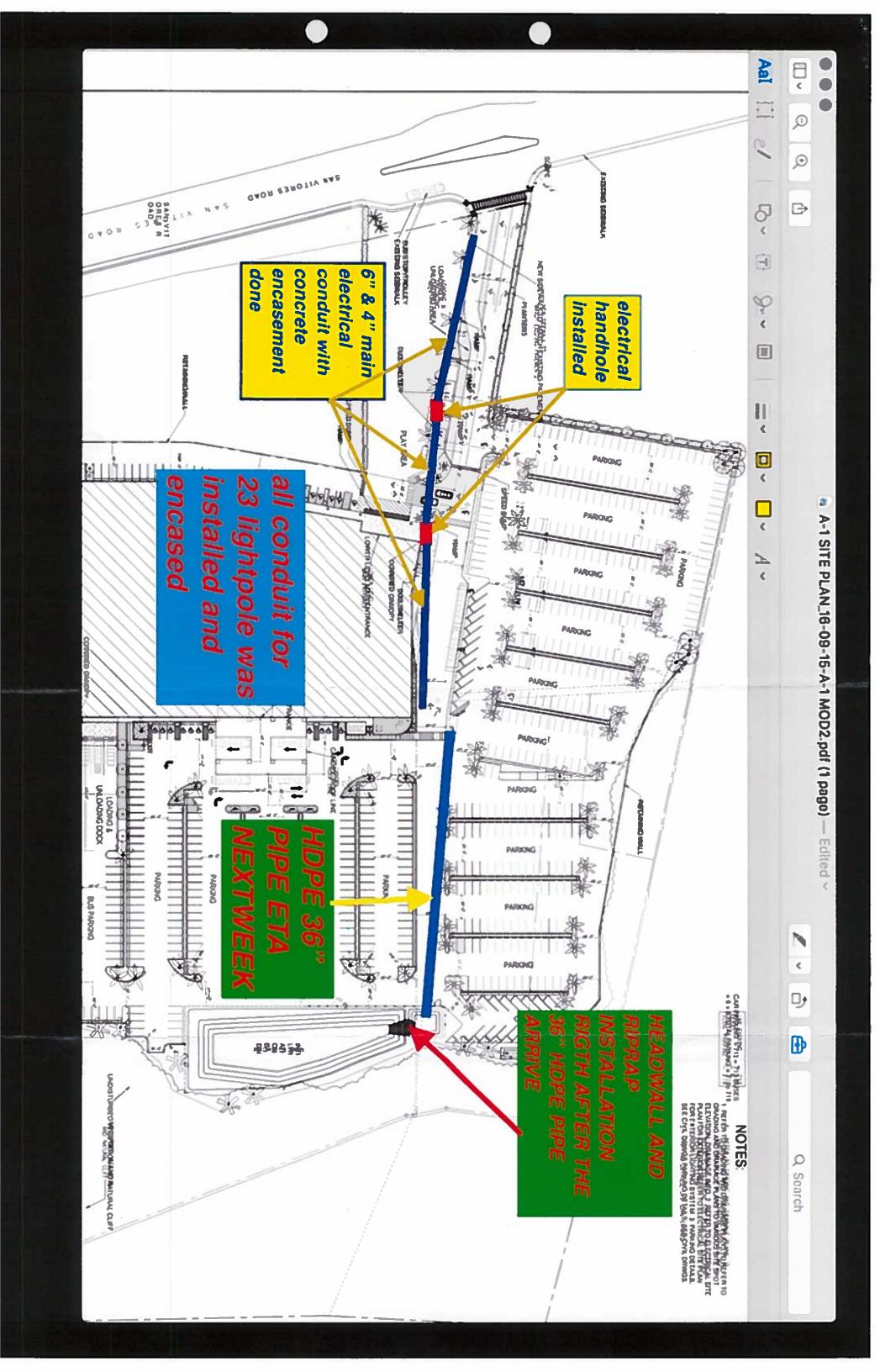
Pursuant to Notice of Action dated January 19, 2016, we provide the following updates for the Guam Land Use Commission's review for the on-going construction of the Tumon Bay Mall. The updates were one of two conditions stipulated on the above mentioned NOA. The other was for the applicant Grandview Development LLC, to secure a performance and payment bond for infrastructure equal to the amount of 110% of the total cost of infrastructure improvement. Attached are copies of said performance and payment bond and in addition, construction project schedules highlighting completed and on-going construction activities to date.

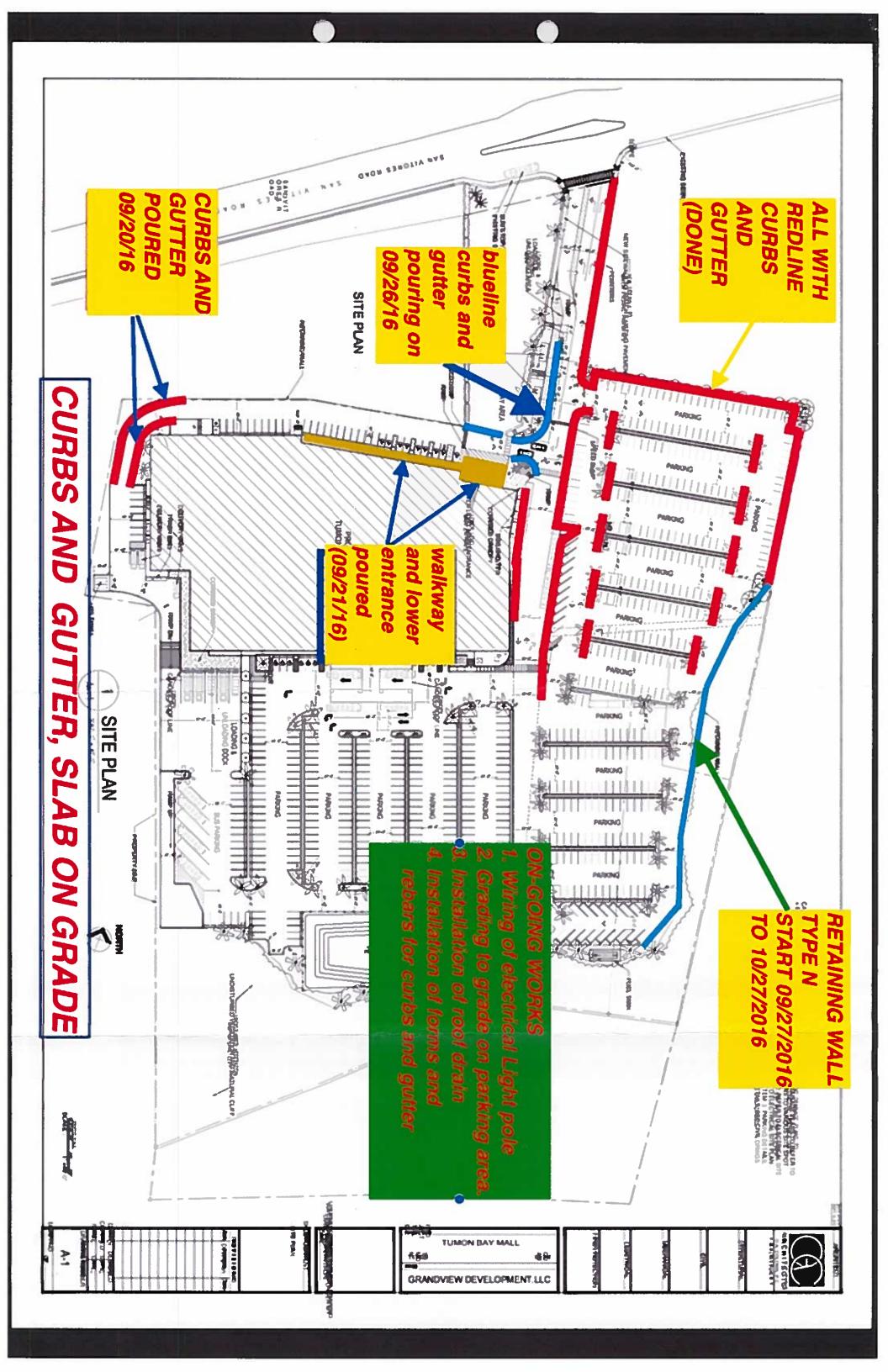
#### Completed Work.

- Curb and Gutter depicted in red line
- Curb and Gutter depicted in blue line
- Retaining Wall depicted in blue line
- Walkway and Lower Entrance
- Electrical Hand hole
- 6" & 4" Electrical Conduit with Concrete Encasement
- Conduit for Electrical Light Poles Installed

#### On-going Work.

- Wiring of Electrical Light Pole
- Grading to grade on Parking Area
- Installation of Roof Drain
- Installation of Forms and Rebars for Curbs and Gutters
- Headwall and Riprap Installation, pending availability of 36"
   HDPE pipe





## h Bank of Hawaii

#### IRREVOCABLE STANDBY LETTER OF CREDIT NO. S082861 DATE: JUNE 16, 2016

BENEFICIARY:
GUAM LAND USE COMMISSION
DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM
P. O. BOX 2950
HAGATNA, GUAM 96932

APPLICANT: GRANDVIEW DEVELOPMENT, LLC 2149 ARMY DRIVE BARRIGADA, GUAM 96913

AMOUNT: USD 861,947.00

EIGHT HUNDRED SIXTY ONE THOUSAND NINE HUNDRED FORTY SEVEN AND

00/100 U.S. DOLLARS

DATE AND PLACE OF EXPIRY: JANUARY 30, 2017
AT THE COUNTERS OF BANK OF HAWAII, HONOLULU, HAWAII,
INTERNATIONAL TRADE OPERATIONS, FOR NEGOTIATION/PAYMENT

AT THE REQUEST OF APPLICANT, WE HEREBY ESTABLISH IN BENEFICIARY'S FAVOR THIS IRREVOCABLE STANDBY LETTER OF CREDIT NO. S082861 ("LETTER OF CREDIT") AVAILABLE BY NEGOTIATION OF BENEFICIARY'S DRAFT(S) AT SIGHT DRAWN ON BANK OF HAWAII, HONOLULU, HAWAII ACCOMPANIED BY:

BENEFICIARY'S SIGNED STATEMENT CERTIFYING THE FOLLOWING:

RELATIVE TO GRANDVIEW DEVELOPMENT, LLC APPLICATION N. 2008-003B FOR TENTATIVE DEVELOPMENT PLAN ON LOT NO. 5131NEW, 5131-1, 5126-1NEW, MUNICIPALITY OF TUMON (TUMON BAY SHOPPING CENTER), GRANDVIEW DEVELOPMENT, LLC HAS FAILED TO COMPLETE THE INFRASTRUCTURE IMPROVEMENTS (SITE WATER, POWER AND SEWER) BY THE CURRENT COMPLETION DATE OF DECEMBER 30, 2016 AND HAS NOT CURED THE DEFAULT WITHIN FIFTEEN (15) DAYS AFTER WRITTEN NOTICE TO CURE THE DEFAULT WAS GIVEN BY GUAM LAND USE COMMISSION.

#### ADDITIONAL CONDITIONS:

DRAWING UNDER THIS STANDBY LETTER OF CREDIT MUST BE SUPPORTED BY A CONSTRUCTION CONTRACT FROM A GUAM LICENSED CONTRACTOR.

THE INFRASTRUCTURE IMPROVEMENTS (SITE WATER, POWER AND SEWER) COMPLETION DATE OF DECEMBER 30, 2016 MAYBE EXTENDED DUE TO FORCE MAJEURE EVENTS OR SEVERE WEATHER CONDITIONS.

ALL BANKING CHARGES RELATING TO THIS LETTER OF CREDIT ARE FOR ACCOUNT OF THE APPLICANT.

Page 1 of 2

INTERNATIONAL TRADE OPERATIONS, 130 MERCHANT STREET, 18<sup>TH</sup> FLOOR, HONOLULU, HI 96813 TELEPHONE: (808) 694-8423 FAX: (808) 694-4733

# 1h Bank of Hawaii

STANDBY LETTER OF CREDIT NO. S082861 DATE: JUNE 16, 2016

PARTIAL AND MULTIPLE DRAWINGS ARE PERMITTED PROVIDED THAT THE DRAWINGS HONORED BY US HEREUNDER SHALL NOT, IN THE AGGREGATE, EXCEED THE LETTER OF CREDIT AMOUNT. THE ORIGINAL OF THIS LETTER OF CREDIT AND SUBSEQUENT AMENDMENT(S), IF ANY, MUST ACCOMPANY ANY DRAWINGS HEREUNDER FOR ENDORSEMENT OF THE DRAWING AMOUNT AND WILL BE RETURNED TO BENEFICIARY UNLESS IT IS FULLY UTILIZED.

DRAFTS DRAWN UNDER THIS LETTER OF CREDIT MUST BEAR ON THEIR FACE THE CLAUSE "DRAWN UNDER BANK OF HAWAII STANDBY LETTER OF CREDIT NO. S082861 DATED JUNE 16, 2016."

WE HEREBY ENGAGE WITH DRAWERS OR BONA FIDE HOLDERS THAT DRAFTS DRAWN AND NEGOTIATED IN CONFORMITY WITH THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT WILL BE DULY HONORED UPON PRESENTATION AT THE COUNTERS OF BANK OF HAWAII, INTERNATIONAL TRADE OPERATIONS, 130 MERCHANT STREET, 18<sup>TH</sup> FLOOR, HONOLULU, HAWAII 96813 ON OR BEFORE THE EXPIRY DATE.

EXCEPT AS OTHERWISE EXPRESSLY STATED, THIS LETTER OF CREDIT IS ISSUED SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES 1998 ("ISP98"), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590.

THIS IS THE OPERATIVE CREDIT INSTRUMENT.

AUTHORIZED SIGNATURE FELY BARAYUGA, OFFICER AUTHORIZED SIGNATURE LONG T. LAC, VP

Page 2 of 2





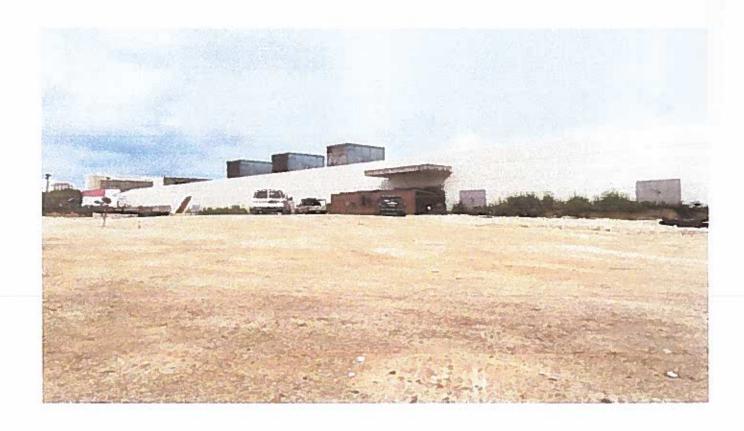
















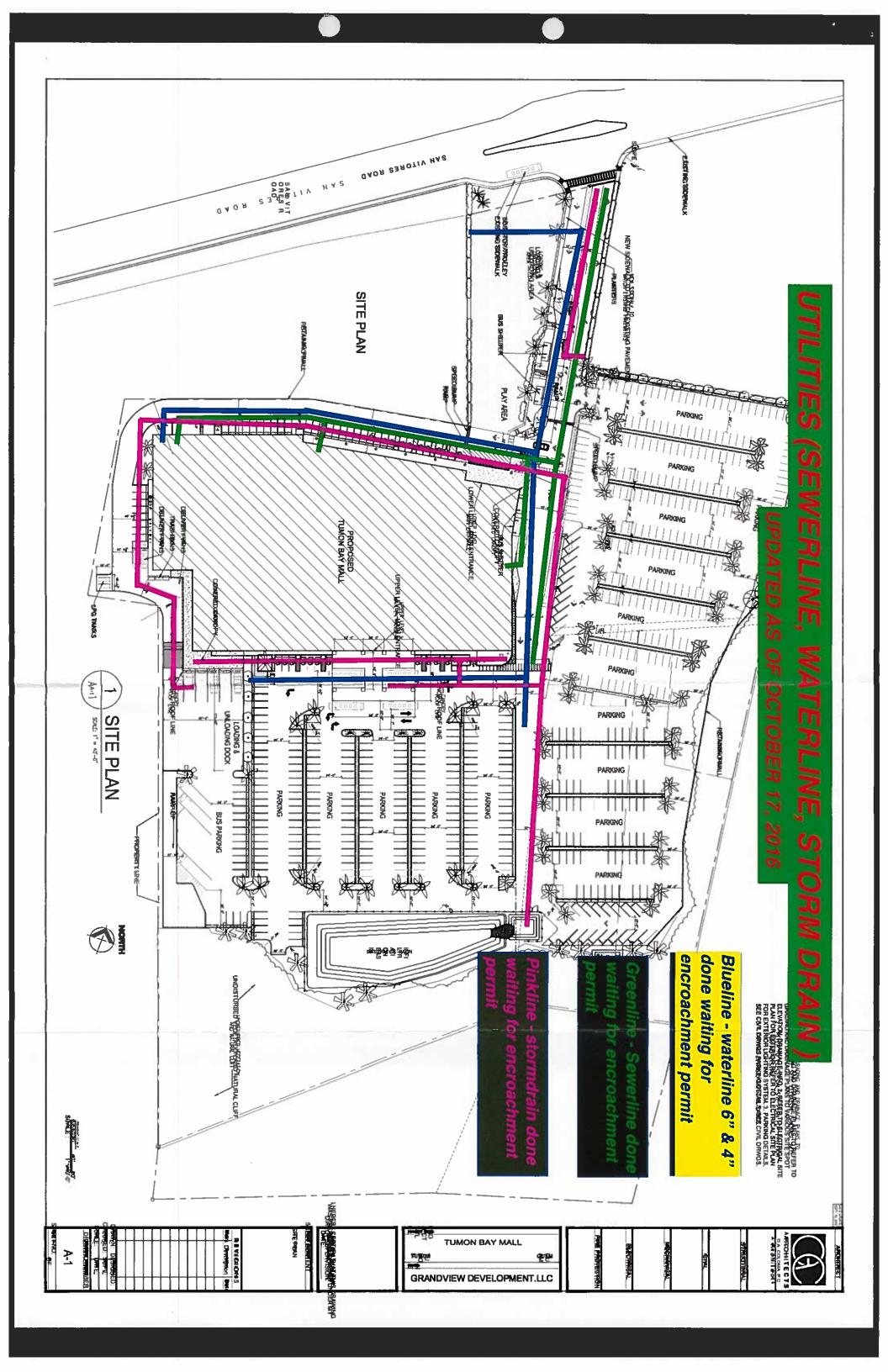
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	С	Start-only	Manual Task	•	External Milestone		Milestone •	Date: Tue 10/18/16	Date:
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Delay due to New design, completed	Delay d			Wed 8/31/16	Mon 7/4/16	43 days	Provide Cutting, Excavation, Levelling & Compaction for new Infiltration Basin		30
							tion Basin	100	29
On-going submission	The state of the s			Fri 11/18/16	Mon 7/18/16	90 days	& Parking	Fill Materials for Roadways & Parking	28
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							ng Walls	Excavation & Fill for Retaining Walls	21
Remaining works at the back of parking lot	Consider the Property of the State of the St			Fri 10/21/16	Thu 6/30/16	82 days	חת	Provide Backfill & Compaction	20
Remaing works at the back of parking lot				Fri 10/21/16	Thu 6/30/16	82 days	ectrical Lines	Excavation for Uderground Electrical Lines	19
completed	Company of the last of the las			Fri 9/30/16	Mon 6/27/16	70 days	dholes	_	18
Completed				Fri 9/30/16	Mon 6/6/16	85 days	et Light Post	Excavation for Electrical Street Light Post	17
	Charles of market by the second			Fri 11/25/16	Mon 2/8/16	210 days	orm Drainage Pipeline		: t
waiting for HEP approval	and the second of the second s			Fri 11/25/16	Mon 2/8/16	210 days			14
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completed		The state of the s		Fri 10/14/16	Mon 2/8/16	180 days	Drainage Lines	Excavation Works for Storm Drainage Lines	11
Remaining works tapping to existing se	STREET, STREET			Fri 11/25/16	Mon 3/7/16	190 days	Lines		10
						3	Excavation, Backfilling & Compaction for Utilities ( Re: Storm Drainage / Sewer / Waterline )	Excavation, Backfilling & Comp Drainage / Sewer / Waterline )	9
		ted	completed	Fri 9/18/15	Fri 8/28/15	16 days		Provide Site Clearing Works	00
			- 1	•				Site Clearing	7
			completed	Thu 9/3/15	Fri 8/28/15	5 days		Provide Erosion Control	თ
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		→ Mobilization of equipment	T Mobilizatio	Fri 8/28/15	Fri 8/28/15	1 day		Mobilization	4
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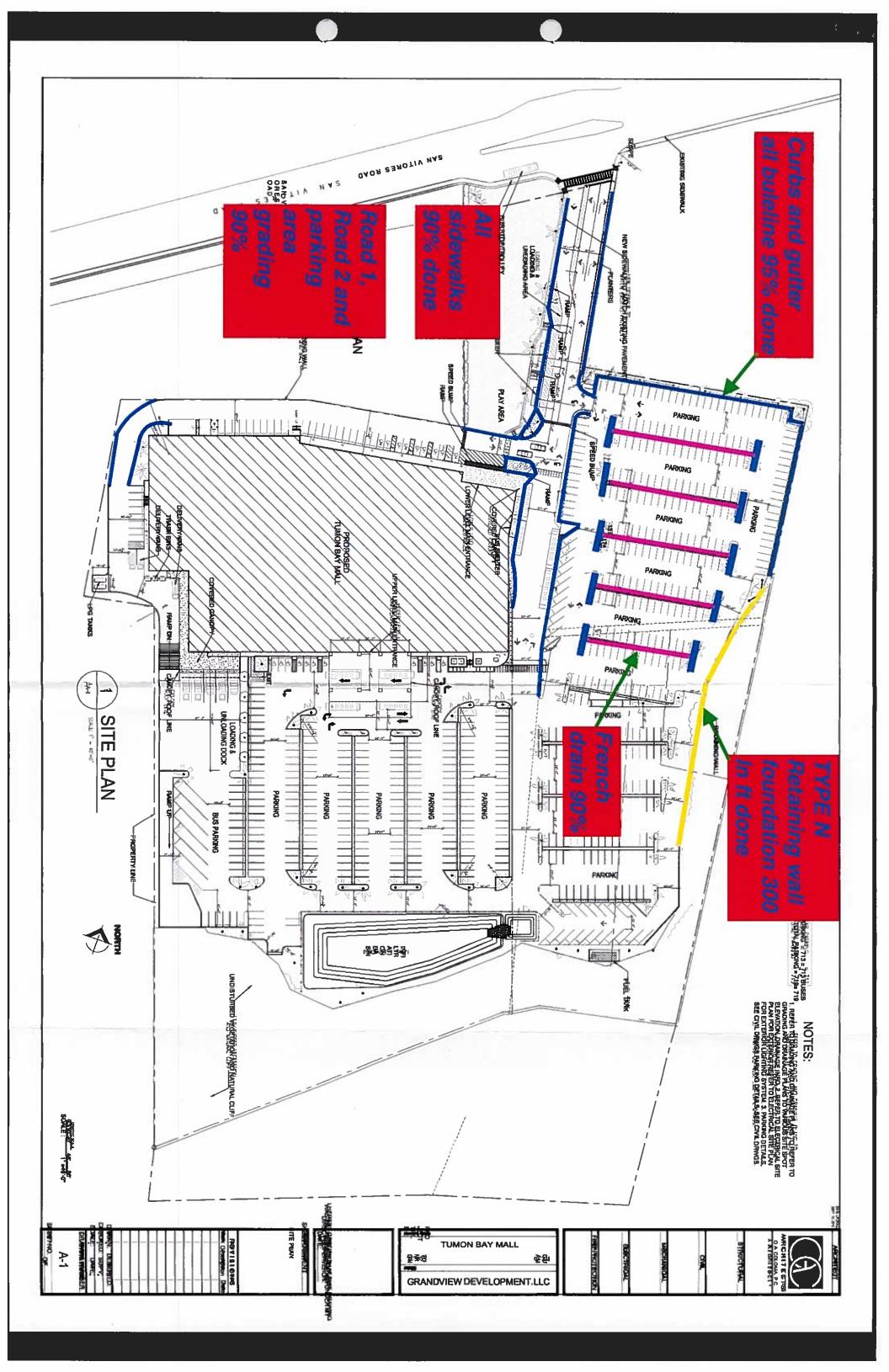
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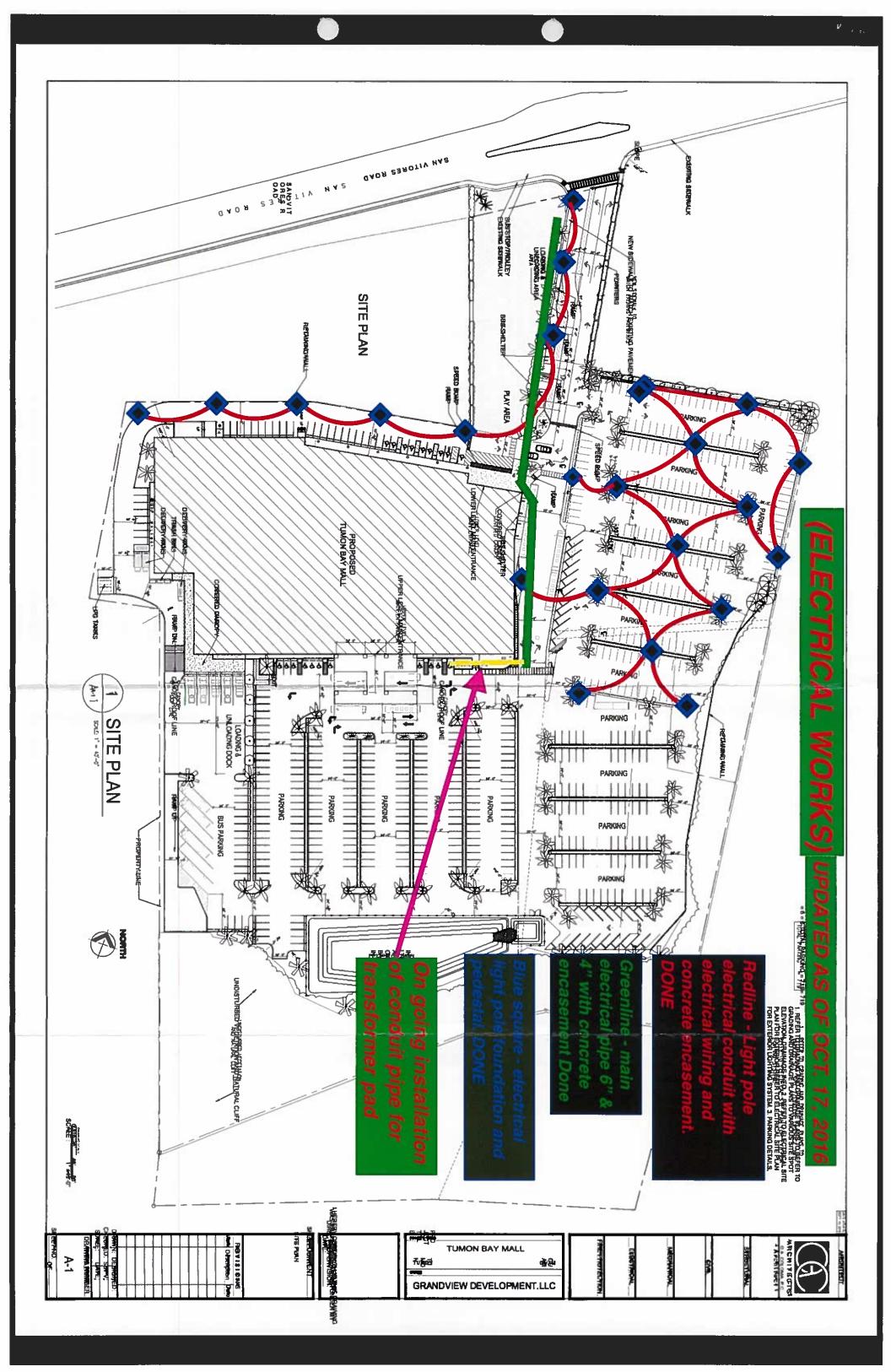
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Waiting for the final design at Main I	The second secon				Fri 12/9/16	Mon 8/8/16 Fi	90 days	е(ЅНН, VНН & ТНН)	81 Concrete Secondary Handhole(SHH, VHH & THH)	00
								e & Parking Lights Pedestal	80 Electrical Manhole/Handhole & Parking Lights Pedestal	m
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								Gutters	74 Concrete Sidewalks, Curbs & Gutters	
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				er only	Waiting for roof drain cover only	Wai	Wed 9/30/15	Mon 6/1/15 We	88 days		121 Roof Drain Cover (Matl on Site)	
												-4
											119 Plumbing Works	
	_						Mon 11/21/16	Tue 11/15/16 Ma	5 days	Provide Aluminum Store Front Glass Door(SF-1,SF-2 & SF-3 ) to	118 Provide Aluminum Store Fron	
										Opening Aluminum Store Fronts & Automatic Entrance Doors	117 Opening Aluminum Store Fra	
				completed	COI		Tue 1/12/16		26 days		116 12" thick CMU Wall	
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<u>n</u> +					Thu 12/29/16	Thu 12/22/16	6 days		141 Rectify Punchlist Item	받
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Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Mailing Address: P.O. Box 2950 Hagátña, GU 96932

Website: http://land.guam.gov

E-mail Address: dlmdir@land..guam.gov

Telephone: 671-649-LAND (5263)





#### ATTACHMENT D

# DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA, CALVO Governor

RAY TENORIO Lieutenant Governor

October 21, 2016

#### **MEMORANDUM**

To:

Chairman, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Staff Report - Application No. 2015-26B

Request for One (1) Year Extension – Tentative Subdivision

#### 1. PURPOSE:

a. Application Summary: The applicants, Deepak and Kiran Sadhwani represented by Mr. Richard Sana of FC Benavente Planners, is requesting consideration for a one (1) year extension of a previously-approved Tentative Subdivision in an "M-1 zone". As submitted, the proposed subdivision boasts the creation of an industrial park consisting of fifty-one (51) lots on Lot 5315, in the Municipality of Dededo.

#### b. Legal Authority:

- Initiating the request for approval a Tentative Subdivision Plan Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law. Title 18 GAR, Chapter 3, Article 2, Section 3219.
- ii. Initiating the request for extension of approval Title 21, GCA, Chapter 62, Article 2, Section Article 5, 62504, Subdivision Law.

#### 2. FACTS:

a. Location: The subject lot is located in the Ukudu area of Dededo west of Rt. 3 roughly across from the Ukudu High School and less than a quarter of a mile north of the New Guam Regional Medical Center. The entrance of the proposed development is to be located at the northeast corner of the pentagon-shaped lot via a proposed 40-ft right-of-way connecting to the existing 100ft wide easement, roughly a quarter of a mile northwest of Rt.3. Encircling this lot are properties of various zones ranging from "R-2","C","M-1" and M-2 as per the "Dos Amantes" Official Zoning Map F3-67S52.

Continuation of Memorandum
RE: Request for Extension
Staff Report - Application No. 2015-26 – Tentative Subdivision
Lot 5315, Municipality of Dededo
October 21, 2016
Page 2 of 3

- **b.** Lot Area: 36.7 +/- Acres or 148,810+/- Square meters
- c. Present Zoning: "M-1" (Light Industrial) Zone per Public Law 30-211.
- d. Field Description: The proposed site is presently vacant and undeveloped, and has been subject to mass clearing and grading work in preparation for infrastructure work.
- **e. Master plan:** N/A Subject lot is part of excess federal land returned to original land owners. Hence, no master plan was established under federal control.
- f. Community Design Plan: Rezoned to "M-1" Light Industrial via P.L. 30-2111.
- g. Previous Commission Action: A Notice of Action (NOA) with conditions was issued for a Tentative Subdivision Plan on September 25, 2015. NOA expiration date was noted as September 9, 2016.
- 3. STAFF ANALYSIS: Authority to grant an extension of up to one (1) year is provided pursuant to Title 21, GCA, Chapter 62, Article 2, Section Article 5, 62504, where, "upon approval of the tentative subdivision plan by the Commission, the subdivider shall complete within one (1) year all of the improvements required, except that the Commission, for good cause shown, may authorize an extension of time, not to exceed twelve (12) months, for such completion. Within such time, the subdivider must either:
  - a. Complete the required improvements and, upon acceptance thereof by the government, file his final plans; or
  - b. Furnish bond acceptable to the Commission for the completion of improvements, the bond to be in penal sum of one hundred fifteen percent (115%) of total work costs as verified by the Director of Public Works. On approval of the bond, the final plans may be filed".

The applicant opted to complete infrastructure requirements within one (1) year. However the applicant submits this extension request is based on the fact efforts to secure a building permit to initial and complete infrastructure requirements had taken up to time the initial one year time line had expired. This is made evident in the attached building permit application providing that as of September 7, 2016 the applicant had secured approval from the Guam WaterWorks Authority.

<sup>&</sup>lt;sup>1</sup> Public Law 30-211 – An Act to approve Official Zoning Map F3 67S 52, the Dos Amantes Planning Area and all related zoning amendment. Signed into law and promulgated on December 2010.

Continuation of Memorandum
RE: Request for Extension
Staff Report - Application No. 2015-26 – Tentative Subdivision
Lot 5315, Municipality of Dededo
October 21, 2016
Page 3 of 3

4. RECOMMENDATION: Based on supporting information, we are of the position the applicant has justified this request for an extension of time and therefore recommend APPROVAL of this request for up to one (1) year from the date of Commission approval.

We encourage the applicant to continue his efforts to work with the various government entities, and the responses from members of the ARC and to complete other requirements of the original NOA approval to include, but not limited to, submission of Covenants, Conditions, and Restrictions as may be associated with the sale, lease, rental or any form of alienation to include securing reservation for lease or sale of the subdivision or individual lots, thereof.

MARVIN Q. AGUILAR

Case Planner:

Marvin Aguilar

Attachments: Applicant's Letter - Request for Extension

Notice of Action Dated September 25, 2015

Issued Building Permit Application

RECEIVED

# FC Benavente, Planners

Planning, Zoning, Land Development Consulting, Permitting

October 3, 2016

127 Bejong Street, Barrigada, GU 96913 Tel: 671.687.9865 richardisana@yahoo.com

MB10/5



Mr. Michael Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
P.O. Box 2050
Hagatna, Guam

Subject:

Request for Extension of GLUC Approval for Application No. 2015-26 (Pacific

Industrial Park)

Hafa Adai Mr. Borja,

On behalf of Deepak and Kiran Sadhwani, applicant and developer of the propose Pacific Industrial Park, I request a one year extension for the above application. The application for a Tentative Subdivision was approved by the GLUC on September 24, 2015, a Notice of Action of the decision by the GLUC was recorded by DLM on October 8, 2015, before issuance to the applicant's representative (FC Benavente Planners). The process to obtain a building permit for the installation of infrastructure improvements began on January 13, 2016, there were much deliberation and negotiation with GWA before an approval was finally granted on September 7, 2016. Due to the challenges and unforeseen circumstances in the delay in obtaining the building permit, the proposed project would not be able to meet the conditions of approval as stipulated in the Notice of Action. Therefore we appeal to the GLUC's consideration to approve a one year extension of their previous decision in accordance with Section 5 of Executive Order 96-26. The granting of this request is greatly appreciated and would facilitate the completion of a much needed facilities to support our growing light industrial businesses.

Si Yu'us Ma 'ase

Richard J. Sana

Attachments:

- Notice of Action dated September 25, 2016
- Building Permit Application no. B160000 38
- Highway Encroachment Permit 16-807

- 1970-	Department of Land Management Office of the Recorder
	File for Record is Instrument No. 884231
	On the Year 15 Month 10 Day 09 Time 12:50
	Recording Fee Receipt No.  Deputy (Ruare above for Recordation)
	Deputy (Reachaptor) (Alabam)
	IMPORTANT NOTICE - READ CAREFULLY
	Section 5 of Executive Order 96-26, the applicant must receive a building or grading permit for the approved

#### **GUAM LAND USE COMMISSION**

GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the

Decomposit of Cand Maria rement Government of Cacin prof. Box 2950 Garatra, Guarri, 9030

#### NOTICE OF ACTION

September 25, 2015

To Deepak & Kiran Sadhwani c/o FC Benavente Planners 127 Bejong St. Barrigada, Guam 96913

Commission shall expire.

application for Zone Change ....

Application No. 2015-26

This requirement shall not apply for

The Gu	iam Land Use Comi	niscion, at us ir	eeting	en September 24, 2015.
	Approved	(1-505-464)	<u>XX</u> /	Approved with Conditions
	Tation			
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			f Dededo, as recorded under Notice of Action for a:

NOTICE OF ACTION Deepak & Kiran Sadhwani Lot 5315, Municipality of Dededo GLUC Meeting of September 24, 2015 Page 2 of 4

ZONING	SUBDIVISION	
Zone Chairpe'''	XX / Tentative	
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	/ Extension of Time	
THE SHEET ELL AL	/ PL 28-126, SECTION (A)	OH
	1	

#### NOTE ON ZONE CHANGE

\*\*\*Approval by the Guam Land Use Commission of a ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law). Section 61634 (Decision by the Commission).)

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	Supplementary (Specify)

GLUC Meeting of September 24, 2015 Page 3 of 4

APPLICATION DESCRIPTION: The applicants, Deepak and Kiran Sadhwani represented by Mr. Richard Sana of FC Benavente Planners, is requesting approval of a Tentative Subdivision in an "M-1 cone" to create an industrial park consisting of fifty-one (51) lots on Lot 5315, in the Municipality of Declecio

COMMISSION DECISION: The Gearn Land Use Commission Approved the applicants request ent to the applicant allowing to the following conditions:

At years must work with DFW to provide adequate road widths to facilitate safe and abiliant ingression are to and from the subcassion, such coordination should include input to make Chief Place of Condition was an embed to accord input must be obtained from the Court Fire Department

- to Applicant small provide to languagement infrastructure to address the intended use and peration needs of an industrial park subdivision. This shall be vetted and approved by the editinent government courses, and as required cursuant to Title 21GCA, Chapter 21, Section 43401 at the time of approval of this reguest and Title 21GCA, Chapter 62, Section 62402 at the brue the applicant requests for approval of a final subdivision;
- In at the CCBs must be submitted to the Uniot Planner per his recommendation (any activity associated with the sale, case, cent or any form of allegation to include securing reservation. inclease or sale of the subdivision or individual lots thereof, shall not be permitted until document instrument of a maining CCBs as proposed by the applicant are in state to ensure that the precioused subdivision will be used strictly for light industrial use. Such suCRs shall be reviewed and approved by the Guan Chiet Planner and Chairman of the GLUC, and recorded for every lot at the Department of Land Management;
- 4. Placs prepared for the trial publication approval shall centain elements of surface water. racidit certainment, et le commendat by BSF and Guern EPA, and that these plans be-As a label to the call to approximate following on the application for a final subdivision. 801.10t.at
- That the transmisse statement atom tie new wed and approved by the Survey Division of the Department of Leon Management in the armour atgitimetrame, and

The applicant most include a ferroing plantagion submittal of the application for the final र तहारी कार देन संभागित, हैं।

Marvin O. Aguilar Guann Chief Planner

Lawrence S. Rivera

Chairman -

Guam Land Use Commission

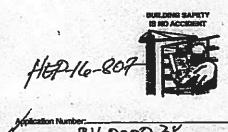
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Application No. 2015-26

#### CERTIFICATION OF UNDERSTANDING

1 Fichard Jana
A. Dicant [Please profitations   Representative [Please print name])
Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC
project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the
Commission shall expire.
The Commission may grant two (2) one-year extensions of the above
approval period at the time of initial approval.
This requirement shall not apply for application for a Zone Change***
TWe turther AGREE and ACCEPT the conditions above as a part of the Notice of Action and further AGREE TO ANY AND ALL CONDITIONS made a part of and
attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.
The Character of the Ch
78
Signature of Applicant Date Signature of Representative Date
Signature of riepresentative Date
ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:
707
Applicant Date Representative Date
Applicant Date Representative Date





1 of 2

#### BUILDING INSPECTION & PERMITS SECTION

	ON FOR PERMIT		Permit Number: 3160000 38					
and the same of the delivery	plicant must complete all Neme	in sections L. II, III, IV	Permit Number: 414		entertain in t			
L LOCATION	POUTE #3	Dedello		2nning Oletrict	4-1_			
Between				C-SW4	Value of the second			
Date District		- 12 2 m	Plank	(et \$1m	ARREST AND			
IL TYPEAND	COST OF BUILDING	Group Occupancy	UTTV-fty_DN-57/ Type of Construction	Allipped	oundedon			
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C Foundati			Descriptions	THE REAL PROPERTY.				
C) Shall On	, D. A.		☐ Reconstruct	Obsession at Building				
☐ Fence W			☐ Relicated					
El Denni	nitrigi Pail-Abad, corporation, mai profit in	inter, etc.)	Public (Federal, State, or Local Governm	eri)				
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shorts			TUSTALLADIN - WORK					
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other (si	deviator, etc.).		- Power Indre	appel Lords				
		448 600,00						
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C) One las	AND STREET OF STREET		Arraneoust, Reconstonal Public willey					
- 0 mm			Church, other selgious	School, Strang	other educational			
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C Transle	ons hound, produid, C	Other (besolfy)	C Packing garage C Tarks, torsics					
er don	The state of the s	7.5	Service station, repeir garage	Cities (specify	Other (specify)			
The Property	to a Color of Supersider and the	To regard the second second second	Hospital, institutional	The second second second				
M. SELECT	CHARACTERISTICS OF BUE	DING						
E. Princ	ipal Type of Prame		F. Type of Savage Disposal	G. Type of Me	:hanical			
	oy (well bearing)	Pulphanid consens	Public Sever	Yes No Constal Air Conditioning				
The state of the s		Other (specify)	Private (septic tenk, etc.)	# 15 2 2 35 <u></u> - / 1 <u></u>				
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E Note	e (mail, claimin)	Rost space fest of floor ores, of those, Solid or exister classification	J. Number of Parting Spaces 7	Municipal of bedroom				
1,710,01	ner of stories	37	theses	A CONTRACTOR				
IV. SDENTIF	RCATION Print Name / Signature	Melling	Address - Number, street, city and state	23F Code	-			
1. Occurrer Landon	DONSACHWAN	7885.MA	RIND DE TAMONAUS	769/3	617-519			
2. Contractor	AIDER CORP	7.0. BOX	2/273	TEMP HILLS	899231			
	LAB09054	D BARR,	Gum	96921				
3. Architect or	NOVIE AMAR		10292		884-096			
Engloser SEALNO.	1342	TAM.	64 Min	96921				
			ed agree to confirm to all application lains of this j		title til			





# BUILDING INSPECTION & PERMITS SECTION APPLICATION FOR PERMIT

Application Number:

B160000 38

#### TO BE FILLED OUT BY BUILDING STAFF ONLY

oviour Required	Date Plans Started	Date Plans Approved	Print N Signa		Comments		
rchitectural	1						
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nichirel							
echenical/Plumbing	\$100 to 1						
ood Control	Sa well		The state of		National Section 1		
lectrical	/		1000				
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ighway Encroechment	9 19 14	19-19-14	14 ABJEIT	WAR BE	APPLY HEP PERSON		
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raffic Engineering	9.23.16	923.16	JUN DORW	good	LUI		
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w Utilities	Bystallas	ion					
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lear Yard	مستحسينا المستحيد	وب الرساسية	di.				
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f not owner, is there a lo	ese or authorizatio	n to the property?			<b>为是是一种企业的企业</b>		
Did this project receive T	LUC approval? WI	nat are the conditions	11		TELLWEN OCCUPE		
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Eand Management, Zone	1/13/	10	duarnie .	Approve	d		
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Cand Management, Zone  Public health  E.P.A  Griem Power Authority  Fire Prevention Bureau  Parks & Rec.  Dept. of Agriculture  VIII. VALIDATION  Building Permit Number	1/13/ 1/15/ 1/15/ 2/27 2/27 2/8/2 2-3/16	Ib Jiby  Ily Experiment  Ily Experiment  Ily Experiment  Ily Experiment  Ily Experiment  Ily Stell	PRECE LANGUAGE LANGUA	Appropriate and the second of	1. 20. 20 4 CUBOG-05/		
Cand Management, Zone  Public heasth  E.P.A  Grant Power Authority  Fire Prevention Bureau  Peals Board  Farks & Rec.  Dept. of Agriculture  VIII. VALIDATION	1/13/ 1/15/	Ib Jiby  Ily Experiment  Ily Experiment  Ily Experiment  Ily Experiment  Ily Experiment  Ily Stell	Approxi	Apple Apple Apple Apple Apple Valed As prope	1. 20. 201 y CIBOS-05		



# **Government of Guam Intra-Office Memorandum**

HEF	<b>'-16</b>	-807
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Date:
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TO: Treasurer of Guam

**PAYOR: DON SADHWANI** 

Description	Account Name	Account No.	Amount
Highway Encroachment Permit Fee	Application Fee (Non-refundable)	310056204	\$25.0
Political Sign Fee	Application Fee ( Non-refundable )	310056204	
Political Sign Cash Deposit	Political Sign Cash Deposit (Refundable)	110023155	
Cash Deposit Fee for Excavation in the Roadway (Public Law 31-83)	Cash Deposit Fees ( Refundable )	120823110	\$45,000.00
Contractor Cash Deposit Fees prior to Public Law 31-83 (Oct.31, 2011)	Cash Deposit Fee ( Refundable )	110023110	
Notice of Violation Fine or Penalty (Non-Reimbursement)	Notice of Violation Penalty ( Non-refundable )	320861001	
Performance Bond (Company Insurance)	Company Insurance Bond Number #.	Bond Number:	100
	TOTAL		\$45,025.00

**PURPOSE: WATER AND SEWER LINE CONNECTION** 

Signature of Authorizing Agent/ Issuing Office







BUILDING INSPECTION & PERMIT SECTION
TERRITORY OF GUAM

# BUILDING PERMIT

		MAILING ADDRESS	OWNER(S)	AREA OR VOLUME		REMARKS	TYPE IV	BUILDING DIMENSIONS:	TRACT	LOCATION	PERMIT TO: CONS	MAILING ADDRESS	APPLICANT	DATE
BUILDING OFFICIAL:	TAMUNING, GUAM 96913	788 S. MARINE DRIVE	DON SADHWANI	COST \$889,600.00	PIPELINE, POWER & UNDERGROUND LINES.	INDUSTRIAL PARK UTILITY INSTALLATION WORK, ROADS, CURBS, SEWER	USER GROUP MISC.	FEET WIDE	5315	DEDEDO ROUTE #3	CONSTRUCT () STORY PROPOSED USE	P.O. BOX 21273 BARRIGADA, GUAM 96921	RYDER CORP. CONT	October 06 2016
ASSEPT D. GUEVARA BUYLOTING INSPECTION & PERMIT ADMINISTRATOR				) PERMIT FEE \$7,511.63	ROUND LINES.	ORK, ROADS, CURBS, SEWER,	FOUNDATION CONCRETE	FEET LONG HEIGHT	виск	ZONING DISTRICT M1	MISC. () units	921	CONTRACTOR LICENSE NO 09-0540	PERMIT NO. B16000038

BUILDING PERMIT SHALL EXPIRE IF THE WORK AUTHORIZED IS NOT COMMENCED WITHIN THREE (3) MONTHS OR IS SUSPENDED OR ABANDONED FOR A PERIOD OF THREE (3) MONTHS AFTER WORK HAS BEEN COMMENCED.



